1. 1[illegible] Sept 3, [illegible]
2. [illegible] Feb [illegible]
3. 9[illegible] June [illegible]
4. [illegible] July [illegible]
5. 6[illegible] Aug 2, 17[illegible]

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servants who sought to do the very best their judgment dictated to them in the interest of promoting the public interest.

I said earlier, and I now repeat in this reference to the Senator from West Virginia [Mr. RANDOLPH], my differences with him are sincere, honest differences of value judgment as to the merits of the conference report. There is no doubt about the fact, Mr. President, that the Senator from West Virginia [Mr. RANDOLPH], as well as our other colleagues, deserves the sincere thanks of the Senate for the dedicated public service performed throughout the conference.

## CONVEYANCE OF CERTAIN LANDS ON HUNTLEY RECLAMATION PROJECT, TO SCHOOL DISTRICT NO. 24

Mr. KENNEDY obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield so that the Chair may lay before the Senate amendments of the House to a Senate bill?

Mr. KENNEDY. I yield for that purpose.

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate S. 53 with amendments adopted by the House.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 53) to amend the acts approved April 16 and July 27, 1906 (34 Stat. 116 and 519), so as to authorize the Secretary of the Interior to convey certain lands on the Huntley reclamation project, Yellowstone County, Mont., to school district numbered 24, Huntley Project Schools, Yellowstone County, Mont., which were, on page 1, line 5, after "shall" insert ", upon payment of $115 to the United States,"; on page 2, line 4, strike out "and"; and to amend the title so as to read: "An act to amend the acts approved April 16 and June 27, 1906 (34 Stat. 116 and 519), so as to authorize the Secretary of the Interior to convey certain lands on the Huntley reclamation project, Yellowstone County, Mont., to school district numbered 24, Huntley Project Schools, Yellowstone County, Mont."

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the House amendments.

The major point involved is the payment of $115 by the Huntley School District to the United States, which is regarded as a fair market value of the land involved.

A discussion of the situation appears on page 17424 of the CONGRESSIONAL RECORD of August 29, 1959. Both Senators from Montana concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 213) to provide additional time within which certain State agreements under section 218 of the Social Security Act may be modified to secure coverage for nonprofessional school district employees.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2906) to extend the period for filing claims for credit or refund of overpayments of income taxes arising as a result of renegotiation of Government contracts.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 2411) to amend paragraph 1629 of the Tariff Act of 1930 so as to provide for the free importation of tourist literature.

## ESTABLISHMENT OF CAPE COD NATIONAL SEASHORE PARK

Mr. KENNEDY. Mr. President, on behalf of myself and my colleague, the senior Senator from Massachusetts [Mr. SALTONSTALL], I introduce for appropriate reference, a bill to establish Cape Cod National Seashore Park.

This bill is the outgrowth of many months of study by the senior Senator from Massachusetts [Mr. SALTONSTALL] and myself in association with Representative KEITH. All of us have had personal associations with the Cape, and all of us have been conscious of the concerns which have been expressed by individual citizens in Cape Cod communities. Each of us has felt that a national park on Cape Cod was justified only on a strong showing that this was the most effective means of maintaining the historic way of life and scenic integrity of the Cape. We have examined the proposals which were put forth by the National Park Service critically and have discussed them with leading authorities on park legislation, as well as with many citizens. We have become increasingly convinced that this is a proposal which is fully worthy of national legislation and that it does incorporate values and objectives which are deserving of future protection and preservation in a national park. We are persuaded that through a bill incorporating the principles contained in this legislation, it is possible to preserve the Cape and to provide an environment attractive to future generations from all parts of the Commonwealth and the Nation.

It is not necessary to rehearse in this body the range of our national needs for increased recreational and cultural opportunities during the next decades. We pride ourselves as a nation that we have been able to create unprecedented opportunities for leisure and education. Many of our people now or soon will be able to devote as much time to activities of their own choice as to their occupations, yet we have been very slow as a nation to adapt our public policies so as to improve the quality and breadth of recreational experience for the Nation. Yet we are aware of the increasingly narrow margin which still exists—especially in the East—for national park development. Nowhere is this more evident than on the Atlantic coast, which possesses a large proportion of our largest urban concentrations. It is imperative that as a nation we seize those clear opportunities which remain and not allow a proposal such as the Cape Cod Park—based upon careful professional judgment and experience—to become stalemated and ultimately destroyed in barren controversy or unfulfilled hope.

By any standard, it seems to both the senior Senator from Massachusetts [Mr. SALTONSTALL] and myself and to most of the citizens and public leaders in Massachusetts from whom we have heard that lower Cape Cod presents such an opportunity. We know of no alternative or subsequent park development in Massachusetts which could provide the citizens of the Commonwealth and the national public with such a rich and varied blend of scenic, recreational, and scientific values.

The senior Senator from Massachusetts and I feel strongly that the Cape Cod proposal deserves separate legislative attention and passage. Though the Cape Cod seashore is obviously related in purpose to other proposals now pending or contemplated for other seashore areas, we are convinced that there are several important special features in the Lower Cape which make it highly desirable that the committees of Congress have an opportunity to consider this proposal on its own merits and in its own setting. Moreover, seashore park legislation is a relatively new field of legislation, in which there is not a large reservoir of experience or precedent. We do not suggest that the Cape Cod Park is the only seashore area which deserves early attention. We merely suggest that each of the areas should be considered and analyzed on their own terms, rather than being made a part of an omnibus bill which vests wide latitude in the executive branch in the selection of park areas and lands.

Cape Cod is more heavily settled, enjoys more compact town government, and has a greater degree of development than most previous park areas. It lacks none of the natural beauty and scenic splendor which characterize most of the national parks, but it is not an unsettled wilderness or forest area. Particularly since there are residents whose roots on the Cape reach back far into the past, it seems important to adapt a bill in such a way as to meet the legitimate interests and sentiments of existing residents. We have therefore designated in more detail than is traditional in park legislation, the most exact possible boundaries of the Park and made several provisions which afford a method by which the threat of residential property condemnation can be eliminated by local action and which maintain a secure tax and development base for the six towns which lie within the diagram of the Park.

In a bill of this sort in which we are trying to achieve a new method of park establishment and operation and in which we are entering some uncharted areas of park legislation, it seems to us particularly necessary to have local hearings and to attempt to draw upon the concrete evidence of local officials and citizens. This bill represents, in our judgment, a sound and balanced basis for the establishment of this Park, but in several matters of detail we shall want to keep an open mind. From hearings we can derive a more precise evaluation of the economic impact of this Park and the growth needs of the communities. Both the senior Senator from Massachusetts and I feel that the provisions regarding future residential growth within the Park and the provisions for in-lieu tax payments by the Federal Government need special scrutiny in the light of evidence which local communities and objective outside experts are able to present at hearings both on the Cape and in Washington.

We believe that this bill which is uniquely designed for Cape Cod does properly harmonize the National, State, and private interests which are involved in a venture of this nature. We believe that it provides every reasonable protection to the private residential landowner and that it brings the Park within realistic financial means for the Federal Government. Even as we attempt to capitalize on a great national asset, we shall under this bill be able to provide the individual Cape resident with a secure future and with a clear knowledge of what are his rights and responsibilities within the Park.

There are several features of this bill which are worthy of special mention:

First. Each residential landowner is given a minimum guarantee of electing either life occupancy or occupancy for 25 years.

Second. In any of the six towns which adopt zoning meeting standards defined by the Secretary of the Interior, all homeowners in those towns whose property lies within the diagram of the Park are assured of the right to continue to own and occupy their home without interruption or interference so long as the zoning is kept in force.

Third. In order to accommodate the possible growth and revenue needs of towns with land in the Park there is provision for setting aside in the future an acreage up to 10 percent of the total private land in each town which falls within the Park for new homebuilding on the condition that such property is subjected to acceptable zoning.

Fourth. There is an in-lieu tax provision to give the towns a shock absorber in the event that there is a dip in tax revenue as a result of acquisition of private property in fee simple by the Federal Government.

Fifth. This bill establishes an Advisory Commission which will have substantial influence in setting the policies governing the establishment of the Park and its future administration. We have written this bill in the greatest possible detail and provided a full section-by-section analysis in order to give each citizen the best possible comprehension of the effects which this Park will have on their lives and on the future of Cape Cod itself.

Again and again during our preparation of this bill over the past months, we have tried to keep in mind the rational core for the establishment of this Park. It is all too easy to allow a proposal of this sort to become a victim of exaggerated fears. We have tried to set this proposal in the perspective of history and against the knowledge that an enterprise of this sort is precisely the kind of activity which characterizes a free people. We are confident that as a result of the protections which are clearly written into the law and the spirit which we know animated both the authors of the original proposal and of this legislation, that it will be possible to establish a great national park in an area which may otherwise be increasingly blighted by the relentless and sweeping advance of commercial development. If a park of this nature is not established on Cape Cod, there is every danger that much of the Cape will become a mere extension of the suburban civilization which typifies so many of our lives. If we act sensibly now, while the opportunity remains, we shall have preserved for America and for our people a priceless heritage to be enjoyed many times over, not only by this generation but by those which follow.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, as requested by the Senator from Massachusetts.

The bill (S. 2636) to provide for the establishment of Cape Cod National Seashore Park, introduced by Mr. KENNEDY (for himself and Mr. SALTONSTALL), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Whereas the coastal and shoreline area on Cape Cod, Massachusetts, possesses unique cultural, scenic, historic, scientific, and recreational values; and

Whereas these values are an important and irreplaceable part of the heritage of the United States; and

Whereas these values should be preserved and enhanced for the benefit and inspiration of all of the people of the United States of present and future generations; and

Whereas an adequate and representative portion of Cape Cod should be set aside and developed to assure its unimpaired use and enjoyment for varied cultural, scenic, historic, scientific, and recreational purposes: Now, therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the area comprising that portion of the land and waters located in the towns of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham in the Commonwealth of Massachusetts, and described in subsection (b), is designated for establishment as Cape Cod National Seashore Park (hereinafter referred to as "the park").

(b) The area referred to in subsection (a) is described as follows:

Beginning at a point in the Atlantic Ocean one-quarter of a mile due west of the mean low-water line of the Atlantic Ocean on Cape Cod at the westernmost extremity of Race Point, Provincetown, Massachusetts;

thence from the point of beginning along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean, Cape Cod Bay, and Provincetown Harbor in generally southerly, easterly, and northerly directions rounding Long Point and then southwesterly to a point a quarter of a mile offshore of the mean low-water line on the harbor side of the dike depicted on the United States Geological Survey Provincetown quadrangle sheet (1949) crossing an arm of the Provincetown Harbor;

thence northerly, along a line a quarter of a mile offshore of and parallel to the low-water line at the dike to a point easterly of the point of intersection of the sand dike with the boundary of the Province Lands Reservation as depicted on the said Provincetown quadrangle sheet;

thence westerly to the said point of intersection of the dike and the Province Lands Reservation boundary;

thence along the boundaries of the Province Lands Reservation northwesterly, northeasterly, northerly, and easterly to the easternmost corner of the Reservation being near United States Route 6;

thence leaving the said easternmost corner along an extension of the southerly Reservation boundary line easterly to the northerly right-of-way line of United States Route 6;

thence along the northerly right-of-way line of United States Route 6 in a generally easterly direction crossing the Truro-Provincetown town line to and continuing in the town of Truro to a point four-tenths of a mile southeasterly of Highland Road;

thence leaving the northerly right-of-way line of United States Route 6 and running due east two-tenths of a mile;

thence turning and running in a southeasterly direction paralleling the general alinement of United States Route 6 and generally distant therefrom two-tenths of a mile crossing Pamet Road and continuing to a point three-tenths of a mile southerly thereof;

thence westerly to the intersection of Old County Road and Mill Pond Road;

thence southerly along the easterly right-of-way line of Old County Road to Fisher Road;

thence westerly along the southerly right-of-way line of Fisher Road to the right-of-way line of the New York, New Haven, and Hartford Railroad;

thence southerly along the easterly right-of-way line of the railroad for three-tenths of a mile;

thence due west to a point in Cape Cod Bay one quarter of a mile distant from the mean low-water line;

thence turning and running along a line a quarter of a mile offshore of and parallel to the mean low-water line of Cape Cod Bay in a general southerly and easterly direction rounding Jeremy Point and thence in a general northerly direction along a line a quarter of a mile offshore of and parallel to the mean low-water line on the westerly side of Wellfleet Harbor to a point one quarter of a mile due north of the mean low-water line at the eastern tip of Great Island as depicted on the United States Geological Survey Wellfleet quadrangle sheet (1959);

thence leaving Wellfleet Harbor and running three-tenths of a mile northwesterly to the top of a ridge between Herring River and the Chequesset Country Club;

thence northeasterly along the said ridge continuing across Mill Creek on a straight line following in general a ridge and crossing the right-of-way of the New York, New Haven, and Hartford Railroad to a point two-tenths of a mile northeasterly thereof;

thence due north to a point three-tenths of a mile beyond the Bound Brook Island Road;

thence generally easterly following the southerly contour of a marsh, as depicted on the said Wellfleet quadrangle sheet crossing United States Route 6, and continuing to a point on the easterly right-of-way line of a power transmission line;

thence in a general southerly direction along the said easterly right-of-way line of a power transmission line, crossing the Eastham-Wellfleet Town line, to the intersection of said easterly right-of-way line with the easterly right-of-way of Nauset Road;

thence in a general southeasterly direction along said easterly right-of-way line of Nauset Road to the intersection of Nauset Road and Salt Pond Road;

thence crossing said Nauset Road and running along the easterly right-of-way line of said Salt Pond Road to its intersection with the southerly right-of-way line of Nauset Road;

thence westerly along the southerly right-of-way line of Nauset Road to its intersection with the easterly right-of-way line of United States Route 6;

thence southerly along the easterly right-of-way line of United States Route 6 to a point four-tenths of a mile southerly of the intersection of Locust Road and United States Route 6;

thence easterly to a point one-tenth of a mile from United States Route 6;

thence turning and running in a generally southerly direction paralleling the general alinement of United States Route 6 and generally distant therefrom one-tenth of a mile to a small stream approximately one-tenth of a mile beyond Governor Prence Road extended;

thence southeasterly along the stream and continuing to the Orleans-Eastham town line;

thence along the Orleans-Eastham town line to the southerly tip of Stony Island;

thence generally southerly in the town of Orleans to the easterly edge of the Nauset Harbor Channel;

thence in a generally southerly direction along the said easterly edge of the Nauset Harbor Channel to a point due south of the southwesterly tip of Nauset Beach on the north side of the entrance to Nauset Harbor from the Atlantic Ocean;

thence due south to the twenty-foot contour in Nauset Heights as delineated on the United States Geological Survey Orleans quadrangle sheet (1946);

thence generally southerly along the said twenty-foot contour to a point about one-tenth of a mile northerly of Beach Road;

thence southwesterly along a line intersecting Beach Road at a point two-tenths of a mile easterly of the so-called Nauset Road leading northerly to Nauset Heights;

thence southerly to the head of a tributary to Little Pleasant Bay at the northerly tip of Pochet Neck as depicted on the said Orleans quadrangle sheet;

thence generally southerly along the thread of channel of the said tributary passing westerly and southwesterly to Pochet Island and thence southwesterly into Little Pleasant Bay passing to westerly of the northerly tip of Sampson Island, the westerly tip of Money Head, and the southwesterly tip of Hog Island following in general the center line of Little Pleasant Bay to Pleasant Bay;

thence generally southeasterly in Pleasant Bay along a line passing midway between Sipson Island and Nauset Beach to a point on the Chatham-Orleans town line one-quarter of a mile westerly of the mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach;

thence generally southerly in Pleasant Bay in the town of Chatham along a line a quarter of a mile offshore of and parallel to the said mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach to a point a quarter of a mile south of the mean low-water line of the southern tip of Nauset Beach;

thence easterly rounding the southern tip of Nauset Beach along a line a quarter of a mile offshore of and parallel thereto;

thence generally northerly and northwesterly, and westerly along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean on the easterly shore of Nauset Beach and on the outer cape to the point of beginning.

Also included in such area are lands located in the town of Chatham and more particularly described as follows:

Beginning at a point on the northwesterly corner of the boundary of Monomoy National Wildlife Refuge at the mean low-water line on the western shore of Morris Island;

thence generally southerly, westerly, southerly, easterly, and northerly along the exterior boundary line of said Monomoy National Wildlife Refuge to a point on the northeasterly corner of said refuge located on the eastern shore of Morris Island;

thence northerly, westerly, and southerly parallel to the mean low-water line along the shore of Morris Island and Stage Island to the point of beginning.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as "Secretary") is authorized to acquire by purchase, gift, condemnation, transfer from any Federal agency, exchange, or otherwise, the land, waters, and other property, and improvements thereon and any interest therein, within the area which is described in section 1 of this Act or which lies within the boundaries of the park as established under section 3 of this Act (hereinafter referred to as "such area"). Any property, or interest therein, owned by the Commonwealth of Massachusetts, by any of the towns referred to in section 1 of this Act or by any other political subdivision of said Commonwealth may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

(b) In exercising his authority to acquire property in accordance with the provisions of subsection (a) of this section, the Secretary shall have authority to incur obligations and enter into contracts involving the expenditure of funds authorized by section 11 of this Act for the acquisition of property and his action in doing so shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated.

(c) The Secretary is authorized (1) to use donated and appropriated funds in making acquisitions under this Act, and (2) to pay therefor not more than the fair market value of any acquisitions which he makes by purchase under this Act.

(d) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within such area. The properties so exchanged shall be approximately equal in fair market value, provided that the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

(e) As used in this Act the term "fair market value" shall mean the fair market value as determined by the Secretary and may be based on an independent appraisal obtained by him.

(f) Notwithstanding any other provision of law, the Secretary is authorized to dispose of any buildings or structures acquired by him under this Act with respect to which no private right of use and occupancy exists, upon such terms and conditions, and with or without publicly advertising for bids, as he may deem to be in the interest of the United States.

SEC. 3. (a) As soon as practicable after the date of enactment of this Act and following the acquisition by the Secretary of not less than a total of six thousand acres of the area described in section 1 of this Act, which acreage is in the opinion of the Secretary efficiently administrable to carry out the purposes of this Act, the Secretary shall establish Cape Cod National Seashore Park and shall declare such establishment by the publication of notice thereof in the Federal Register.

(b) Such notice referred to in subsection (a) of this section shall contain a detailed description of the boundaries of the park which shall encompass an area as nearly as practicable identical to the area described in section 1 of this Act. The Secretary shall forthwith after the date of publication of such notice in the Federal Register (1) send a copy of such notice, together with a map showing such boundaries, by registered mail to the Governor of the Commonwealth of Massachusetts and to the board of selectmen of each of the towns referred to in section 1 of this Act; (2) cause a copy of such notice and map to be published in one or more newspapers which circulate in each of such towns; and (3) cause a certified copy of such notice, a copy of such map, and a copy of this Act to be recorded at the Registry of Deeds for Barnstable County, Massachusetts.

SEC. 4. (a) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of his property for noncommercial residential purposes, for a term not to exceed twenty-five years or for a term ending at the death of such owner, whichever term he shall elect. In any case where such an owner retains a right of use and occupancy for such a fixed term of years, such right may during its existence be conveyed or leased, in whole, but not in part, for noncommercial residential purposes. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b)(1) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all improved property located in all of the towns referred to in section 1 of this Act for one year following the date of its enactment.

(2) Thereafter such authority shall be suspended with respect to all improved property in any of such towns during all times when such town shall have in force and applicable to such property a duly adopted, valid zoning bylaw approved by the Secretary in accordance with the provisions of section 6 of this Act.

(c) The Secretary's authority to acquire property by condemnation shall be suspended with respect to any particular property which is used for commercial or industrial purposes during any periods when such use is permitted by the Secretary and during the pendency of the first application for such permission made to the Secretary after the date of enactment of this Act provided such application is made not later than the date of establishment of the park.

(d) As used in this Act, the term "improved property" shall mean a private noncommercial dwelling, including the land on which it is situated, whose construction was begun before September 1, 1959, and structures accessory thereto (hereinafter in this

subsection referred to as "dwelling") together with such amount and locus of the property adjoining and in the same ownership as such dwelling as the Secretary designates to be reasonably necessary for the enjoyment of such dwelling for the sole purpose of noncommercial residential use and occupancy. In making such designation the Secretary shall take into account the manner of nonconimercial residential use and occupancy in which the dwelling and such adjoining property has usually been enjoyed by its owner or occupant. The amount of such adjoining property to be so designated by the Secretary shall in no case be less than three acres in area, or all of such lesser amount as there may be, except that the Secretary may exclude from the amount of adjoining property so designated any beach or waters, together with so much of the land adjoining such beach or waters as the Secretary may deem necessary for public access thereto.

SEC. 5. (a) It is the policy of the Congress that a reasonable amount of additional noncommercial residential development be permitted on property located within the park: *Provided*, That any particular such development would not, in the opinion of the Secretary, adversely affect or interfere with the preservation, development, and administration of such area for the purposes referred to in section 1 of this Act: *And provided further*, That such property is subject to a zoning bylaw approved by the Secretary, in accordance with the provisions of section 6 of this Act.

(b) The Secretary shall, in conformity with the provisions of subsection (a) of this section, upon request made to him not later than five years after the date of enactment of this Act pursuant to any lawful vote of a town meeting of any town referred to in section 1 of this Act, which vote has been ratified by the Advisory Commission established by section 10 of this Act, designate in such town an amount of unimproved property for such development which, together with any previous such designations made by him for such town, shall not exceed in acreage 10 per centum of the total amount of privately owned property situated within the boundaries of the park and in such town. The authority of the Secretary to acquire by condemnation property so designated shall be suspended from the date of such designation during all times when such property is subject to such a zoning bylaw.

SEC. 6. (a) As soon as practicable following the date of enactment of this Act, the Secretary shall issue regulations specifying standards for approval by him of town zoning bylaws for purposes of sections 4 and 5 of this Act. Any such bylaw which meets such standards shall be approved by the Secretary upon application made to him for such approval.

(b) Any zoning bylaw approved in accordance with subsection (a) of this section shall contribute to the effect of (1) prohibiting the commercial and industrial use, other than any commercial or industrial use which is permitted by the Secretary, of all property within the boundaries of the Park which is situated within the town adopting such bylaw; and (2) promoting the preservation and development, in accordance with the purposes of section 1 of this Act, of the area comprising the park, by means of acreage, frontage, and setback requirements and other provisions which may be required by such regulations to be included in the zoning bylaw consistent with the laws of Massachusetts.

(c) No zoning bylaw shall be approved by the Secretary which (1) contains any provision which he may consider adverse to the preservation and development, in accordance with the purposes of section 1 of this Act, of the area comprising the park, or (2) fails to make provision for the Secretary to receive notice of any variance granted under and any exception made to the application of such bylaw, and notice of any amendment thereof.

(d) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended in accordance with the provisions of the Act, is made the subject of a variance under or an exception to any zoning bylaw applicable to such improved property so as to exempt it from any applicable standards contained in regulations issued pursuant to this section, the Secretary may, in his discretion, at any time after the date when such exception is made terminate the suspension of his authority to acquire such improved property by condemnation.

SEC. 7. The Secretary shall furnish to any interested person requesting the same, a certificate indicating with respect to any property located within the park as to which the Secretary's authority to acquire such property by condemnation has been suspended in accordance with the provisions of this Act that such authority has been so suspended and the reasons therefor.

SEC. 8. (a) In order to provide compensation for tax losses sustained by the towns referred to in section 1 of this Act as a result of certain acquisitions by the Secretary of privately owned real estate and improvements thereon pursuant to the provisions of this Act, payments in lieu of taxes shall be made to each such town in which such real estate is located, and which has been authorized, under the laws of Massachusetts, to assess taxes upon real estate to the person who is in possession thereof and to assess taxes upon any present interest in real estate to the owner of such interest, in accordance with the following schedule: For the calendar year in which the real estate is acquired in fee simple absolute, an amount which bears the same proportion to the full amount of tax assessed thereon in such year as the number of days remaining in such year after the date of acquisition bears to the number three hundred and sixty-five. In any case where an amount in excess of the difference between such proportionate amount and such full amount has already been paid to the town by or on behalf of the owner or owners from whom the real estate was so acquired, payment of such excess amount shall be made as reimbursement to such owner or owners out of such proportionate amount and only the balance remaining of such proportionate amount shall be paid to the town. For the two succeeding calendar years there shall be paid on account of such real estate an amount equal to the full amount of tax assessed thereon in the year of acquisition.

(b) No payments in lieu of taxes shall be made on account of real estate and improvements thereon in which the Secretary has ever acquired less than a fee simple absolute under this Act.

(c) As soon as practicable after real estate taxes have been assessed by such towns in each calendar year, the Secretary shall compute and certify the amount of payments in lieu of taxes due to each of such towns, and such amounts shall be paid to the respective towns by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated.

(d) The provisions of this section shall not apply to any property acquired by the Secretary after December 31 of the twenty-fifth year following the date of enactment of this Act.

SEC. 9. (a) Except as otherwise provided in this Act, the property acquired by the Secretary under this Act shall be administered by the Secretary, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (30 Stat. 535); as amended and supplemented, and in accordance with laws of general application relating to the national park system as defined by the Act of August 8, 1953 (67 Stat. 496); except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

(b)(1) The Secretary shall develop for recreational uses such portions of Cape Cod National Seashore Park as he deems especially adaptable for such uses, including camping, swimming, horseback riding, boating, sailing, hunting, fishing, and other recreational activities of similar nature. Except for such recreational development and except for improved property therein, the park shall be permanently reserved as a primitive wilderness and no development of the park or plan for the convenience of visitors shall be undertaken by the Secretary which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in the area described in section 1 of this Act.

(2) In developing the park the Secretary shall, so far as practicable consistent with the provisions of paragraph (1) of this subsection, provide recreational and other facilities for the public in such places and manner as he determines will not diminish for its owners or occupants the value or enjoyment of any improved property located within the park.

(c) Notwithstanding any other provision of this Act, land and waters now or hereafter included in any migratory bird refuge within the boundaries of the park shall continue as such refuge under applicable laws and regulations, but such lands and waters shall be a part of the park and shall be administered by the Secretary for recreational uses not inconsistent with the purposes of such refuge under such rules and regulations as the Secretary may prescribe. Nothing in this Act shall limit the power of the Secretary to acquire lands and waters for any migratory bird refuge.

(d) The Secretary may permit hunting and fishing, including shellfishing, on lands and waters under his jurisdiction within the park under such regulations as he may prescribe. The Secretary shall consult with officials of the Commonwealth of Massachusetts and any political subdivision thereof who have jurisdiction of hunting and fishing, including shellfishing, prior to the issuance of any such regulations, and the Secretary is authorized to enter into cooperative arrangements with such officials regarding such hunting and fishing, including shellfishing, as he may deem desirable, except that the Secretary shall leave the regulation of the taking of shellfish to the towns referred to in section 1 of this Act.

SEC. 10. (a) There is hereby established a Cape Cod National Seashore Park Advisory Commission (hereinafter referred to as the Commission).

(b) The Commission shall be composed of nine members appointed by the Secretary as follows:

(1) six members to be appointed from recommendations made by each of the boards of selectmen of the towns referred to in the first section of this Act, one member from the recommendations made by each such board;

(2) two members to be appointed from recommendations of the Governor of the Commonwealth of Massachusetts; and

(3) one member to be designated by the Secretary.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such and shall serve at the pleasure of the official or

officials recommending his appointment. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon vouchers signed by the Chairman.

(e) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(f) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Cape Cod National Seashore Park, and shall consult with the members with respect to carrying out the provisions of sections 4, 5, and 6 of this Act.

(g) No permit for the commercial or industrial use of property located within the park shall be issued by the Secretary without the advice of the Commission.

SEC. 11. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act; except that no more than $15,000,000 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of this Act.

(b) Any revenues received by the United States as a result of the disposal by the Secretary of any building or structure, or part thereof, pursuant to the provisions of subsection (f) of section 2 of this Act, shall be deposited in a special fund which the Secretary of the Treasury shall establish within the Treasury. All sums deposited in that fund shall be available to the Secretary of the Interior for disbursement by him in acquiring land and waters and improvements thereon, and interests therein, and in paying incidental costs relating thereto, in accordance with the provisions of this Act, and shall be disbursed upon certification by the Secretary of the Interior.

SEC. 12. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Mr. KENNEDY. Mr. President, I yield to my colleague, the senior Senator from Massachusetts [Mr. SALTONSTALL] to comment on this Cape Cod National Seashore Park bill.

Mr. SALTONSTALL. Mr. President, I am glad to join with my colleague in introducing this bill. We have worked upon it together, and we believe that it is in satisfactory form in which to have it considered by the many persons who will be interested in it.

In addition to endorsing the statement which my colleague, the junior Senator from Massachusetts [Mr. KENNEDY], has just made on behalf of both of us, I ask unanimous consent that there be printed in the body of the RECORD immediately following our remarks an explanation of the bill. The explanation serves also to explain the identical companion bill which Representative HASTINGS KEITH has introduced today in the other body. Representative KEITH represents the Massachusetts Ninth District which includes Cape Cod.

Also, Mr. President, I ask unanimous consent to have printed in the body of the RECORD, after the explanation of our bill, the following papers which I believe will be helpful to all Senators who are interested in acquainting themselves about the Cape Cod area and its way of life, as an aid to considering our bill.

First, a copy of the text of a summary of the Cape Code National Seashore proposal by the National Park Service.

Second, a copy of the text of a Fish and Wildlife Service leaflet about Monomoy National Wildlife Refuge on Cape Cod.

Third, a brief bibliography of selected references about Cape Cod which we have had prepared by the Legislative Reference Service of the Library of Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATION OF S. 2636; H.R. 9050—A COMPANION BILL TO ESTABLISH CAPE COD NATIONAL SEASHORE PARK

INTRODUCTION

The purpose of this bill is to provide for the establishment of Cape Cod National Seashore Park so that Lower Cape Cod may be preserved in substantially its present condition for the benefit of all the people of the United States of present and future generations.

The authors of the bill know from long personal experience as well as many years of official responsibility that Lower Cape Cod cannot be considered solely as a geographical area with certain physical characteristics. The Lower Cape must also be viewed as a way of life—a culture—which though conditioned by its environment finds its essence in the people who have lived and are living there. This bill seeks to preserve the way of life which these people have established and maintained on the Cape.

PREAMBLE

The preamble declares the reasons for establishing Cape Cod National Seashore Park. It states that Cape Cod possesses unique cultural, scenic, historic, scientific and recreational values; that these values are an important and irreplaceable part of America's heritage; that these values should be preserved and enhanced for the benefit and inspiration of all Americans of present and future generations; and that an adequate and representative portion of Cape Cod should be set aside and developed to assure its unimpaired use and enjoyment for varied cultural, scenic, historic, scientific, and recreational purposes.

SECTION 1

Section 1 describes the area in the towns of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham designated for establishment as Cape Cod National Seashore Park by running its boundaries in terms of principal geographic features.

The bill's description of the area to be included in the Park is a much more precise specification than has characteristically been provided in legislation establishing a national park or seashore area. Lower Cape Cod is very much more highly developed than most areas which have been the subject of past park laws, and therefore the sponsors believe that this legislation should specify in detail, especially for the benefit of people who live and own property on the Cape, what area is to be included in the Park. Since the exact boundaries of the Park will have to be established from surveys which cannot be completed before a Cape Cod National Seashore Park bill is enacted by the Congress, the exact final description of the Park's boundaries must necessarily be left to the Secretary of the Interior, as is provided in section 3 of the bill.

Broadly speaking, the bill would include in the Park substantially the same area proposed by the National Park Service in its field investigation report on the Cape Cod National Seashore proposal. In this connection it should be noted that the Park Service is an experienced, professional organization. The proposal which it has made is based on extensive field studies and careful analysis of the Lower Cape area and reflects over 40 years, since its establishment in 1916, of responsible performance by the Park Service in the planning establishment, and administration of national park areas.

There are four differences in area between the original Park Service proposal and this bill. These have been made after consultation with and upon the advice of the Park Service. They are as follows:

*Provincetown*

The bill would exclude one small area of approximately 67 acres which is included in the Park Service proposal. The area excluded is triangle shaped and located approximately one-half mile south of Oak Head. It is bounded westerly and northerly by boundaries of the Province Lands Reservation and southeasterly by U.S. Route 6. The exclusion of this area from the bill is designed to conform the boundaries of the Park to that of the Province Lands Reservation which is already in public ownership by the Commonwealth of Massachusetts.

*Eastham*

The bill would add an area of approximately 193 acres which was not included in the Park Service proposal. The area added by the bill is the westerly shore of Salt Pond Bay to Snow Point bounded westerly by a line running in a southerly direction paralleling the general alinement of U.S. Route 6 and generally one-tenth of a mile to the east of U.S. Route 6 to a small stream approximately one-tenth of a mile beyond Governor Prence Road extended; thence southeasterly along the stream and continuing to the Orleans-Eastham town line.

The above-described area has been added so that the entire shoreline of Salt Pond Bay will be included within the Park. There is no logical basis for excluding a portion of this shoreline area of which the Park Service proposal incorporated the northerly portion. It is all excellent property for park purposes.

*Chatham*

Harding Beach, which was included in the Park Service proposal, is omitted from the bill. Since Harding Beach is rather remotely and inaccessibly located in relation to the rest of the Park area, added administrative and financial burdens might be posed were it to be included in the Park. Furthermore, this beach is now managed by the town of Chatham for the benefit of the public.

Monomoy National Wildlife Refuge, which was not included in the Park Service proposal, is included in the bill. Since the Refuge is already under the administration of the Fish and Wildlife Service in the Department of the Interior; since the Refuge is suitable for certain recreational activities, such as fishing, swimming, hiking, camping, shell collecting, picnicking, photography, and bird watching; and since the Refuge area is geographically proximate to and will, according to geologic forecasts, eventually be connected with the southerly extremity of Nauset Beach, it seems highly desirable to include the Refuge within the boundaries of the Park. It is the intention of the bill, as reflected in subsection 9(c), to preserve the separate identity of the Refuge and to have it administered for only such recreational purposes as will not interfere with its principal purpose as a wildlife refuge. Certain portions of Morris Island might be incorporated in Monomoy National Wildlife Refuge for administration on the same terms, and

a portion would be used as access to the Refuge.

The total acreage embraced within the diagram of the Park in this bill is substantially the same as the Park Service proposal. This is without reference to Monomoy National Wildlife Refuge, since the refuge would merely be shifted from its present Federal jurisdiction into the Park.

SECTION 2

This section confers authority on the Secretary of the Interior to acquire property for the Park and makes provision for the way in which the authority shall be exercised. It also makes provision for the Secretary to dispose of buildings or structures which he acquires.

Neither the designation in section 1 of the bill of the area to be included in the Park nor the direction given to the Secretary of the Interior in section 3 to establish Cape Cod National Seashore Park constitute or require a taking from present owners of any of the property in the area so designated. The designation and establishment of a certain bounded area as a national seashore park has in itself no legal consequence for the owners of property located within such area. Any Federal control over such property can be exercised only after the property or some interest therein has been acquired by the Department of the Interior pursuant to authority conferred by Congress.

Subsection (a) provides authority for the Secretary of the Interior to acquire property within the area designated by section 1 for inclusion in the Park or which lies within the boundaries of the Park as established. The discussion under section 3 explains why there may be minor differences between the area described in section 1 of the bill and the area within the boundaries of the Park. Since there is a possibility of some difference, it is necessary that the Secretary's authority to acquire property be made applicable to both areas.

The Secretary's acquisition authority includes purchase, receipt of gifts, condemnation, transfer from any Federal agency and exchange as to all the lands, waters, and other property and improvements thereon, and any interest therein. Property owned by the Commonwealth of Massachusetts, by any town or by any other political subdivision of Massachusetts may be acquired only with the concurrence of the Commonwealth or town as the case may be. Transfer by a Federal agency is authorized in such a way as to avoid the necessity of following all of the usual, often time-consuming, procedures generally applicable to transfer of property by one Federal agency to another and without the necessity of any payment therefor by the Department of the Interior.

Subsection (b) gives the Secretary of the Interior authority to contract for the acquisition of property in such manner as to bind the Federal Government to pay the costs contracted for in the absence of previously appropriated funds. This authority is limited to run against only funds authorized for acquisition of property by subsection 11(a) of the bill. It is deemed important for the Secretary to have such contract authority so that he may negotiate the acquisition of property for the Park as expeditiously and economically as possible.

Subsection (c) authorizes the Secretary to use both donated and appropriated funds in making property acquisitions for the Park and to pay not more than the fair market value for acquisitions made by purchase.

Subsection (d) explains how the Secretary may exercise his authority to acquire property by exchange. He may accept title to non-Federal property located within the Park area in exchange for property which has already been acquired by him within the Park and where necessary equalize the value of the properties exchanged by accepting cash from or paying cash to the owner of the non-Federal property in such an exchange. The purpose of this provision is to make it possible for a property owner within the Park who wishes to stay in the Park, but to change his location therein, to do so, assuming there is Park property which the Secretary is willing to exchange with him. Furthermore, with this authority the Secretary may be able to use one piece of property which he has already acquired to buy another piece of property which he may deem more important for the Park. In short, the provision of such exchange authority adds flexibility to the Secretary's ability to acquire property and at the same time to accommodate individuals who wish to remain in the Park area.

Subsection (e) defines "fair market value" so as to permit the Secretary to determine such value and to obtain and use independent appraisals as a basis for determining such value for purposes of acquisitions by purchase—subsection 2(c); acquisitions by exchange—subsection 2(b); and acquisitions where the owner reserves a right of use and occupancy—subsection 4(a).

Subsection (f) authorizes the Secretary to dispose of buildings and structures which he acquires, as to which no retained right of use and occupancy exists, without having to comply with the general laws governing sale of Government property. Although the authors of this bill recognize that the interest of the Government is usually best served by disposing of Government property in sales by public competitive bidding, they believe that many of the buildings and structures which may be acquired by the Secretary in the Park area will have unique historical or other values which might not be suitably reflected or protected in such sales. Moreover many of such acquisitions may be made by gift to the United States or by using donated funds. Therefore it is desirable and proper to give the Secretary authority to dispose of buildings and structures acquired by him upon whatever terms and in whatever manner he deems to be in the interest of the United States.

SECTION 3

Subsection (a) requires the Secretary of the Interior to establish Cape Cod National Seashore Park as soon as practicable after the enactment of the bill and after he has acquired at least 6,000 acres which may be efficiently administered for the purposes of the Park. Theoretically, it would be possible for the Secretary to establish the Park immediately after the enactment of the bill. However, merely hanging the label Cape Cod National Seashore Park on the proposed area could have no legal significance; hence, the requirement that the Secretary shall have at least 6,000 acres before establishing the park. With 6,000 acres in hand the Park Service would have enough land, subject to its being efficiently administrable, to start providing recreational and other facilities and to satisfy public expectations of a "going park."

Because of the bill's inclusion of Monomoy National Wildlife Refuge within the Park area (see discussion under sec. 1 above), the Secretary will immediately on the enactment of the bill have 3,500 acres toward the 6,000-acre minimum. There is reason to expect that the Commonwealth of Massachusetts will transfer to the United States the Province Lands Reservation in Provincetown and Pilgrim Spring State Park in Truro. Certain private land and cash donations are also anticipated. Accordingly, the authors of this bill anticipate that it will be possible for Cape Cod National Seashore Park to be established shortly after its enactment.

Subsection (b) provides that the boundaries of the Park, when it is established by the Secretary, shall encompass as nearly as practicable the same area described in section 1. While it will not be possible as of the date of enactment of the bill to specify exactly what the boundaries of the Park will be, because necessary final surveys will not be undertaken by the Park Service until after legislation has been approved, this provision is designed to give assurance that the area of the Park as established will be substantially the identical area as that which the Congress considered and on which it will have held hearings to obtain the views of the public, especially interested and affected persons in the Lower Cape Cod area.

Subsection (b) also requires the Secretary of the Interior to give wide notification, in addition to publication in the Federal Register, of his establishment of the Park to all persons directly interested and affected; by registered mail to the Governor of Massachusetts and the boards of selectmen of each of the towns on the Lower Cape; by publication in newspapers circulating in such towns so that all citizens may have ready notice; and by recording at the Barnstable County Registry of Deeds in order that all persons concerned with the title to property in the Park area may have convenient notice.

SECTION 4

This section of the bill together with sections 5 and 6 may be considered as the heart of the bill for purposes of preservation of the way of life of the Lower Cape Cod as well as the geographic area to be included in the Park. Their provisions represent an unprecedented innovation in national park legislation to accommodate the special circumstances of Lower Cape Cod. They are designed to assure that this area will be preserved for the purposes set forth in the preamble of the bill in such a way as adequately to safeguard the private and municipal interests in the area. These or provisions of similar effect are deemed by the authors of this bill to be essential to any legislation for the establishment of Cape Cod National Seashore Park.

The combined effect of sections 4, 5, and 6 may be summarized as follows:

All homeowners within the Park area are assured as a minimum the right to continue to use and occupy their homes for 25 years or for their lifetimes, whichever they choose.

If a town adopts zoning applicable to all of the property in such town which is included in the Park and such zoning meets standards defined by the Secretary of the Interior consistent with the bill, all homeowners in such town whose property is in the Park are assured the right to continue to own and occupy their homes without interruption or interference so long as the zoning is kept in force.

Provision is made for setting aside in each of the Lower Cape towns, an amount of acreage equal to as much as 10 percent of the total area of privately owned property in that town which is in the Park, for new homebuilding development, on condition that such acreage is subjected to acceptable zoning and that such development would not hurt the Park.

In order to explain how the foregoing effects are achieved it is necessary first to say a few words about the power of eminent domain or condemnation. As a matter of general law this power, like the taxing power and the police power, is not given by any constitutional provision but is inherent in the Government as an incident of sovereignty, being necessary for the preservation of governmental effectiveness. There is a constitutional requirement that the Government shall pay just compensation to the owner of property which is taken by condemnation; this is merely a limitation on the exercise of the preexisting power to condemn to which all property is subject. Whenever lands are needed for a public

purpose, such as the establishment of Cape Cod National Seashore Park, Congress may authorize that they be acquired by condemnation from any State or any political subdivision thereof and from private landowners. (Subsection 2(a) of this bill bars condemnation of public property by requiring concurrence of any public owner in acquisitions of public property.)

Congress, by the act of August 1, 1888, conferred general authority on any officer of the Federal Government authorized to acquire real estate for public uses to acquire it by condemnation. Therefore, any specific law authorizing the acquisition of lands by the Secretary of the Interior for the establishment of a national park need not contain power of condemnation for the Secretary already has this power under the act of August 1, 1888. It is clearly necessary that he should have this power, because the title to much property in the proposed Cape Cod National Seashore Park area is unknown so that there is no owner with whom to negotiate a purchase of the property. Also, in such unusual instance where it may not be possible for the Secretary to acquire some much-needed property by negotiation, he must be able to condemn the property so that he may carry out the duty given to him by Congress to establish the Park.

In practice, the Secretary of the Interior has rarely used the power of condemnation in acquiring property for park purposes. Rather, he had proceeded by negotiation and purchase. Nevertheless, so long as the power exists, it may reasonably be viewed as a potential instrument of interference with or interruption of the ownership or enjoyment of property to which it could be applied. Existing private homeowners in the area of the proposed Park and persons wishing to build homes feel a need to have some legally binding assurance that the power will not be exercised to disturb them in order truly to safeguard their way of life on Cape Cod within the Park. So the authors of this bill have provided several novel limitations of the Secretary's power of condemnation which are designed to give such assurance.

Subsection (a) gives the private owners of improved property the right as a condition of any acquisition by the Secretary to retain the right to use and occupy their property for noncommercial residential purposes for the remainder of their lives or for a term of up to 25 years, whichever they elect. If they retain use and occupancy for a fixed term of years they are further safeguarded the right to convey or lease their right of occupancy until it expires. This means that if someone wanted to sell or lease to some third party the right to occupy his house for all or part of the fixed period of years for which he retained the right of occupancy, he could do so. This would be only for noncommercial residential purposes; and as to all but not a part of his property. If such a right of occupancy were retained in property acquired for the Park, the price paid to the owners for the property would be decreased from its full fair market value by the value of the right of occupancy retained. The person occupying the property would continue to pay town real estate taxes thereon.

Subsection (b). Paragraph (1) provides that the Secretary's authority to acquire property by condemnation shall be suspended as to all improved property throughout the Park area for 1 year following the enactment of the bill. The purpose of this provision is to allow a reasonable time during which the towns may adopt zoning bylaws which meet the standards called for in section 6 of the bill. Thereafter, as will be explained in the discussion of paragraphs (2) and (3) below, the power of condemnation of improved property is suspended on condition that such zoning is in force. The term "improved property" is defined in subsection (d) (see explanation below) to mean a noncommercial dwelling.

Paragraph (2) provides that the authority of the Secretary of the Interior to acquire improved property within the Park by eminent domain will be suspended in a particular town so long as the town has in force a duly adopted, valid zoning bylaw approved by the Secretary in accordance with section 6, i.e., which prohibits commercial and industrial use of property, contains suitable acreage, frontage and setback restrictions and other provisions which may be desirable to preserve and develop the Park area and does not contain provisions which would be undesirable for this purpose. Some form of zoning must apply to all of the Park area located within the town but it need not be identical with respect to the entire area so long as it meets the minimum requirements of the bill and of the Secretary as to all or any part of the area. The town would be free, subject to meeting these minimum specifications, to adopt zoning of one character for one area of the Park and of a different character for another area of the Park.

Subsection (c) places restrictions on the Secretary's power of condemnation as applied to property used for commercial or industrial purposes. Broadly speaking, it will be contrary to the purposes of the Park for property within its boundaries to be used for commercial or industrial purposes. However, there are some such uses already in existence in this area. Furthermore, there may be a few limited such uses which will be permitted within the Park by the Secretary.

The existing uses cannot, of course, be outlawed by zoning adopted after the use began. In order to provide a means whereby owners of existing uses may be safeguarded from condemnation until they have had opportunity to apply to the Secretary for permission to continue them, this provision suspends the Secretary's condemnation authority during the pendency of the first application for permission made to the Secretary after the enactment of the bill and before the date of the establishment of the Park. Additionally, the provision suspends the power of eminent domain on property used for commercial or industrial purposes for all periods when such use is permitted by the Secretary. In this way the bill provides safeguards to the owners of property used for commercial or industrial purposes consistent with the best interests of the Park.

Subsection (d) contains a definition of what is meant by "improved property." The significance of this definition is to determine the property within the Park as to which an owner may retain a right of occupancy under subsection 4(a) and as to which the power of eminent domain is suspendable under subsection 4(b).

Improved property is defined as a private noncommercial dwelling, including the land on which it is situated, whose construction was begun before September 1, 1959, and any structures accessory thereto, together with such amount and locus of the adjoining property owned by the same owner as the dwelling, as the Secretary designates to be reasonably necessary for the enjoyment of such dwelling for noncommercial residential use and occupancy. (It is the intention of the bill that a private home which is rented from time to time, or for the summer seasons, but on a private, rather than a publicly commercial, basis, shall be considered as "improved property" as defined in this subsection.) In making this designation the Secretary is directed to take into account the manner of noncommercial residential use and occupancy in which the dwelling and such adjoining property has usually been enjoyed by its owner or occupant. In no case shall the amount of such adjoining property which the Secretary designates be less than 3 acres, or whatever lesser amount the owner may have. The Secretary may, however, as to any owner, exclude from his designation beach or waters and any land adjoining them vital for public access. This provides a flexible means for safeguarding from possible condemnation private homes together with areas of adjoining land large enough to provide continued satisfaction to homeowners while at the same time assuring reasonable access by Park users to areas of undeveloped land, including beach and waters, which are surplus to the reasonable private and personal needs of homeowners.

In this connection it is well to note also the provision of paragraph 9(b)(2) of the bill, which directs the Secretary wherever practical to "provide recreational and other facilities for the public in such places and manner as will not diminish for its owners or occupants the value or enjoyment of any improved property located within the Park."

Property on which construction of a dwelling was not begun before September 1, 1959, is not eligible for condemnation authority suspension except as provided in section 5. The reason for this is to assure that any future residential development which takes place in the Park area will be subject to the provisions of sections 5 and 6 of this bill.

SECTION 5

The authors of this bill believe that in addition to safeguarding the continued right of occupancy of existing residents in the Park area as provided in section 4, it is also desirable to provide a limited opportunity for additional noncommercial residential development to take place within the Park area so as to assure the financial stability of the Lower Cape.

Subsection (a) therefore would establish a Congressional policy that such additional development of land be permitted within the area of the Park provided that any particular such development would not hurt the Park, and provided that the land is made subject to acceptable zoning.

Subsection (b) directs the Secretary to designate in each of the Lower Cape towns, at its request, an amount of acreage of unimproved property for noncommercial residential development not to exceed 10 percent of the total amount of privately owned property within the Park in that town. The town's request must be voted by a lawful town meeting, ratified by the advisory commission established by section 10, and made to the Secretary within 5 years after the enactment of the bill. If the property requested for development by the town is covered by approved zoning, unless the Secretary feels the particular development area requested by the town would hurt the Park, he must designate the area and then his authority to condemn it is suspended so long as it continues under approved zoning.

The acreage which it would be possible to keep open for future development would be roughly as follows: Chatham, 60 acres; Eastham, 345 acres; Orleans, 100 acres; Truro, 710 acres; Wellfleet, 580 acres. Each of these figures represents 10 percent of the total privately owned property in the area of the town included in the Park.

It should be emphasized that these figures represent only the possible development within the Park under this bill. They give no picture of the additional development opportunity on land outside the Park boundaries.

It is the intention of this subsection that the particular areas in which further residential development will take place be determined on a cooperative basis by the Park Service, private citizens and town officials. The subsection is deliberately designed to provide the utmost flexibility as to the selection of areas for development. They may be areas now totally undeveloped or they

may be gap fillers in areas now partially developed. The reason for the requirement that the areas for development be designated not later than 5 years after the establishment of the Park is to provide within a reasonably short time a stable basis and framework for long-range town planning in the light of the advent of the Park.

Section 5 is designed to recognize the possible needs of the Lower Cape towns for a limited additional amount of homebuilding within the Park area in order to assure these towns a steady base of tax revenue and their citizens a continued healthy level of economic activity. In view of this provision it is believed that any needed continued residential development on the Lower Cape is amply safeguarded. The sponsors are confident that the establishment of Cape Cod National Seashore Park under legislation such as this bill will preserve the Lower Cape in accordance with their purposes explained in the introduction.

As a final comment on section 5, it should be noted that the sponsors of the bill gave consideration to implementing its purpose by excluding various property from the area proposed for the Park in the National Park Service's report, as a way of assuring that such property would be available for development. Although this approach might have been simpler it was rejected for the reason that the sponsors believe that the determination as to what particular areas are most suitable for additional development, consistent with the welfare of the Park, is one which should be made so far as possible by citizens of the six towns and their elected officials working with the officials of the Park Service. This seems to the sponsors a fairer procedure and one more likely to produce wise decisions for the Lower Cape communities without jeopardizing the Park than for the Congress to attempt such decisions, because of the inherently less concentrated, detailed and individualized consideration which its heavy schedule of work might permit.

SECTION 6

The Federal Government does not have authority directly to enact zoning laws applicable to private property in any of the States. If it had such authority the task of preserving an area such as Lower Cape Cod in such a way as to safeguard the interests of private landowners might be somewhat simplified, for Congress could simply enact a zoning law for the area. However, in the division of powers between the States and the Federal Government it is wisely left to States and municipalities to adopt zoning laws.

If the Federal Government acting on behalf of all the people of the United States is to establish a national seashore park in such a way as not to interfere with the continued ownership and enjoyment of their property by private landowners within the Park area, it is only reasonable that the communities involved adopt zoning laws which will assure that the property within the Park will be used in a manner consistent with the purposes of the Park.

For this reason section 6 requires the Secretary of the Interior to issue regulations as soon as possible after the enactment of the bill setting forth the standards which must be met by town zoning bylaws for purposes of suspending his power of eminent domain as provided in sections 4 and 5. Zoning bylaws which meet such standards must be approved by the Secretary.

In order to afford flexibility in the precise formulation of zoning bylaws and to avoid undue Congressional interference, even though indirectly achieved, in the detailed specification of the contents of such bylaws, the provisions of subsection (b) of section 6 are quite general in their terms.

The sponsors are confident that the officials of the Park Service working with the town officials and the Advisory Commission to be established under section 10 will arrive at sound zoning provisions.

Subsection (c) provides that no zoning bylaw shall be approved by the Secretary which contains any provision which he believes would interfere with the preservation and development of the Park area or fails to make provision for his receiving notice of any exception made to, variance granted under or amendment adopted to such a zoning bylaw.

Subsection (d) provides that if property has been zoned so as to suspend the Secretary's power of condemnation with respect to that property and subsequently the property is made the subject of an exception to or variance under the zoning bylaw with the result that it becomes exempt from the zoning standards called for in section 6, then in such case the Secretary may terminate the suspension of his condemnation power. Without this provision it would be possible through zoning variances to defeat the intended effects of sections 4, 5, and 6 of the bill.

SECTION 7

Section 7 provides that the Secretary shall furnish any interested person who requests it, a certificate suitable for recording at the Barnstable County Registry of Deeds indicating that the power of eminent domain has been suspended with respect to any particular property. The purpose of this provision is to afford any individual citizen a ready means for determining this fact. This provision should serve to facilitate real estate transactions involving property located within the Park area.

SECTION 8

Subsection (a) provides that the Secretary of the Interior shall make payments in lieu of taxes on account of privately owned real estate acquired for the Park. In the year of acquisition the amount of taxes assessed on a given piece of property would be apportioned between the private owner and the Federal Government in accordance with the proportions of the year during which they respectively owned the property. In the 2 subsequent years the Federal Government would pay the full amount of the tax as assessed in the year in which it acquired the property.

It should be noted that such payments in lieu of taxes will be made to a town only if the town has been authorized under the laws of Massachusetts to assess taxes upon real estate to the person who is in possession thereof and to assess taxes upon any present interest in real estate to the owner of such interest. The reason for this condition is to assure that before the Federal Government makes payment in lieu of taxes on account of property which it acquires within the Park the towns will also collect taxes from all private occupants of land within the Park. If property is acquired for the Park subject to a right of occupancy, a town would not be able to tax such property unless it had authority from the Massachusetts tax commissioner permitting the taxation of the occupant.

Under Massachusetts law taxes on real estate are required to be assessed to the person who is the owner on January 1. But the tax commissioner may in writing authorize the assessment of taxes upon real estate "to the person who is in possession thereof on January 1." He may also in writing authorize the assessment of taxes "upon any present interest in real estate to the owner of such interest on January 1 and taxes on such interest may thereupon be assessed to such person." (G.L., C. 59, sec. 11) Massachusetts law specifically exempts property owned by the United States from taxation by towns. (G.L., C. 59, sec. 5.)

Subsection (b) is designed to make clear that payments in lieu of taxes shall be made only on account of property as to which the full title was in the first instance acquired by the Federal Government. In other words, if property is acquired for the Park under terms such that the private owner retains some right or interest therein, thereby not interrupting his payment of real estate taxes on account of such property, no payments in lieu of taxes would be made by the Federal Government.

Subsection (c) provides for the Secretary of the Interior to determine each year as soon as possible after real estate taxes have been assessed the amount of payments in lieu of taxes due to each of the towns and requires the Secretary of the Treasury to pay such amounts to the towns.

Subsection (d) provides that the foregoing arrangement for payments in lieu of taxes shall not apply to property acquired after December 31 of the 25th year following the enactment of the bill.

The purpose of section 5 is to provide a cushion for each of the towns in the Lower Cape area against any dip in tax revenues resulting from acquisition of private property for the Park.

The sponsors believe that the following factors will tend to increase net tax revenue of the towns:

1. The safeguard to continued occupancy of private residential property within the Park assured by section 4 of the bill.

2. The safeguard to continued residential development within the Park assured by section 5.

3. The steady increase in value of all taxable Lower Cape property which can be expected to accelerate when a seashore park is established.

4. The gradual reduction of some municipal services such as road and beach maintenance, police and fire protection, which will be assumed in part by the Park Service within the Park area.

In view of these factors there will probably be no, or at most very small, real need for payments in lieu of taxes to stabilize town revenues. It is the view of the sponsors that the only condition which might upset this forecast is if very substantial amounts of property from which the towns are now receiving tax revenues were to be acquired within a short span of time. It is as a hedge against this contingency that provision for payments in lieu of taxes has been included in the bill. Past experience in the establishment of national park and national seashore areas all indicates that property acquisition is a gradual process whose impact from the standpoint of reducing tax revenues is not sharp or sudden. In view of the much greater complexities in property acquisition which will be entailed in the Cape Cod National Seashore Park, partly because of the nature of the property involved (much of it improved, and much of it uncertain as to title), partly because of the provisions of the bill designed to safeguard private and municipal interests, it is only reasonable to expect that the revenue-reducing impact of this Park will be even less significant than has been the case with previous parks.

SECTION 9

Subsection (a) of section 9 is designed to set forth in general terms the manner in which Cape Cod National Seashore Park shall be administered for the benefit of the American public. It contemplates administration in a manner with which the public has become increasingly familiar by reason of experience with previously established national park and seashore areas. It contemplates the preservation of old and historic buildings and sites.

Subsection (b) recognizes the unique opportunities afforded for multiple use of a national area on the Lower Cape. These have been fully described in the report of the National Park Service and so no effort is made to describe them herein. Paragraph

(2) of subsection (b) is designed to assure that the development of the Park for its varied purposes will be managed in such a way as not to diminish the value or enjoyment of any residential property in the Park for its owners and occupants.

Subsection (c) provides that any land and waters within the Park boundaries which are now or hereafter in a migratory bird refuge will continue as a refuge but may be administered for recreational uses which do not interfere with the purposes of the refuge. This provision is designed principally to accommodate the inclusion of Monomoy National Wildlife Refuge within the boundaries of the Park. It assures that the refuge purposes of the area will not be submerged by recreational activities and it also makes clear that the Secretary may enlarge the present Refuge by adding other land acquired for the Park.

A few matters of special significance and interest to residents of Cape Cod and New England provided by subsection (d) deserve mention:

1. Fishing, including shellfishing which is to be regulated as is now the case by the towns, would be specifically authorized within the Park.

2. Waterfowling would be permitted consistent with existing Federal and Massachusetts law.

3. Upland game and deer hunting could also be permitted consistent with Massachusetts law.

Final authority in determining the nature and extent of hunting and fishing, other than shellfishing, will rest with the Secretary. However, it is the expectation of the sponsors that under subsection (d) the Secretary will cooperate with appropriate State and town officials to work out provision for such hunting and fishing as may be permitted, consistent with the best principles of wildlife management and conservation and with the management of the Park for other purposes of conservation and recreation.

SECTION 10

Section 10 establishes a Cape Cod National Seashore Park Advisory Commission composed of a representative from each of the six Lower Cape towns, two representatives of Massachusetts, and one of the Secretary of the Interior. The purpose of this Commission is to serve in various matters relating to the administration and development of the Park by the Federal Government as a liaison between the Federal Government on the one hand and the State and local governments on the other. The sponsors have not attempted to specify in rigid detail the exact methods to be followed by the Commission in playing its important role, feeling confident that this should properly be left to the wisdom and good judgment of the persons who will serve on the Commission and the responsible officials of the Interior Department whose joint task and opportunity it will be soundly to develop and administer the Park. For example, the sponsors assume that no major decisions would be made relative to the Park by the Park Service without consulting with the Advisory Commission; that no member of the Advisory Commission would participate in decisions or advice of the Commission affecting a matter in which he had any personal interest; that no member of the Commission would adopt a strictly parochial attitude on behalf of the governmental unit which he represented.

This bill will only be enacted and the Park successfully established and administered if such principles are inherent in the behavior of all public officials having responsibility or concern for the Park. Such principles cannot be infused into official behavior by legislation and in the judgment of the sponsors it would be a mistake to try to do so.

SECTION 11

Subsection (a) provides the authority necessary as a precondition to the appropriation by the Congress of funds necessary to carry out the provisions of the bill once enacted. It contains a limitation of $15 million on the amount which may be appropriated over a period of years for purposes of acquiring property in the Park.

Subsection (b) provides that any revenues which are received as a result of disposal by the Secretary of the buildings or structures in accordance with subsection 2(f) shall be segregated in the Treasury and available to the Secretary for expenditure in acquiring property in the Park. Such revenues really represent a return of part of previous costs of acquisition and should therefore be kept available for the purpose of making additional acquisitions of property for the Park.

SECTION 12

Section 12 is a separability clause designed to assure that if the bill should be held invalid in some particular application or provision, the rest of the bill and its application in other situations would not thereby be affected.

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CAPE COD NATIONAL SEASHORE—A PROPOSAL BY U.S. DEPARTMENT OF THE INTERIOR NATIONAL PARK SERVICE

CAPE COD: A VANISHING SCENE

*Memorandum*

JANUARY 28, 1959.

To: Director, National Park Service.
From: Secretary of the Interior.
Subject: Report on Cape Cod National Seashore proposal.

The draft of the report on the Cape Cod National Seashore proposal has just been received by this office and is being reviewed.

In view of the numerous inquiries about copies of the report, please proceed as rapidly as possible with its publication, using the donated, non-Government funds available for that purpose.

The report may be released upon request, for information purposes, if a copy of this memorandum is included in the bound report to show that the report is still under consideration by the Department of Interior, and that its publication at this time should not be construed either as approval or disapproval by the Department of its recommendations.

FRED A. SEATON,
*Secretary of the Interior.*

A great peninsula, shaped like a bold bent arm, thrusts some 70 miles into the Atlantic Ocean from the Massachusetts mainland. This is Cape Cod, landmark and haven for mariners who sought a new world or wrested their living from a perilous sea. Here vacationists now seek refreshment along sweeping shores and quiet coves.

Heaped up by glaciers long ago; then molded by winds and waves and currents, Cape Cod has been endowed with plant and animal life in rich variety. Now it is a scene of everchanging charm, beautiful to behold, fascinating to study. Surf pounds the eastern headland. Calmer waters of Cape Cod Bay and Nantucket Sound wash the cape's northern and southern shores. Between, the winds brush heath and marsh and woodland, ruffling ponds the glaciers left behind.

On the ocean side of the cape's forearm lies Great Beach, a magnificent ocean shore. For three centuries, this extraordinary shoreline was spared the great industrial buildup of our eastern coast. Before the automobile age, Cape Cod was "off the beaten path." The modern highway has changed that. Now it is within a day's travel of nearly one-third of our Nation's population—less than 300 highway miles from all six New England capitals and New York City; an hour and a half by air from Washington, D.C. And as transportation improvements continue to cut time and distance, the cape is ever closer to all America.

The inexorable march of progress brings many and varied benefits for which we can be deeply thankful. But inevitably the march imperils other values, old and often deeply loved. This surging tide of modern progress has rolled over vast areas of our pristine coastal country, wiping out, one after another, the natural open spaces long cherished as an American birthright. Houses, businesses, resorts of all kinds continue ever more rapidly to disrupt and destroy the very beauties we seek most to enjoy.

This is happening to Cape Cod. Even now the still-unspoiled Great Beach is vanishing under buildings. It is time to set aside, preserve, and protect the last of the old cape so that the inspiration of its surpassing beauty can be kept intact and handed down to future generations of Americans.

Until now, that beauty has been protected by the good taste and care of individuals, the towns, and the Commonwealth. Their efforts, however, may soon be engulfed by the wave of development that threatens. National protection will be needed to achieve the conservation ideals of the people who love Cape Cod.

TO SAVE IT—A NATIONAL SEASHORE

To save this irreplaceable treasure for the future, therefore, a Cape Cod National Seashore comprising Great Beach and related areas is proposed.

Great Beach is unquestionably of national seashore caliber. This became evident during a 1954–55 survey of park and recreation possibilities along the Atlantic and gulf coastlines. The survey, conducted by the National Park Service with donated funds, found Great Beach to be among the finest seashores on our entire Atlantic coast. More detailed studies then were made to determine the full potential and possible boundaries for an area dedicated to public purposes.

The beach itself was the most obvious feature of national seashore quality. But the studies made clear that Cape Cod's charm is not confined to the shore alone. Heath, marsh, forest land, and lake, each with its community of plant and animal life, also are basic elements of the cape's distinctive character. They form a unity, one near and palpable memory of glacial times, for continental ice has shaped them all. Examples of each must be included in the proposed national seashore if it is to preserve intact this whole complex of natural features, essentially unaffected by surrounding land uses.

The proposal, therefore, is a national seashore of about 30,000 acres. It is a ribbon-like territory, extending some 40 miles along the outer coast from Provincetown to the tip of Nauset Beach and nearby Morris Island and Harding Beach in Chatham. The bulk of the area lies east of U.S. Highway 6, and its average width approximates 1 mile. The area reaches a maximum width of 4 miles in the central section, where it extends across the highway to include a highly significant cross section of the outer cape and a portion of the Cape Cod Bay shore.

The finest of the cape's natural attractions are represented in this proposed national seashore. The suggested boundaries would guard the setting against future intrusions, and have been drawn to exclude villages and commercial areas.

THE SIGNIFICANCE OF A CAPE COD NATIONAL SEASHORE

National significance—scenic, scientific, or historic stature so great, so precious as to make its preservation the concern of all Americans—this is the criterion for areas to be included within the national park system. Cape Cod meets this criterion

eminently with a range of qualities stimulating to people in all walks of life. Attesting the magnetic appeal of the cape are the many artists and photographers who have long appreciated its esthetic values. Writers as well find inspiration in the scene and in the colorful history of the region. Scholars and nature lovers alike take keen interest here in a wealth of plants, birds, and animals; in the life of the sea, and in the record of a glacial past.

On Cape Cod one process—glaciation—shaped many landscapes. Different plant communities then spread across them, adding variety to variety. The proposed national seashore area is relatively small, but because of these extraordinary geological and biological factors, its scenery is unusually interesting.

These factors, of course, make the proposed national seashore a valuable field for scientific study. Nowhere on this continent is the story of glacial deposition, combined with the violent action of the sea upon a land mass, so vividly illustrated as on Cape Cod. Here the results of these forces are manifest, not on far mountains but in the very sands and gravels under foot.

Nowhere in this North Atlantic region does so impressive an unbroken ocean beach border such a scenic and interesting hinterland. The cape's mild maritime climate not only is favorable for recreation but also maintains on the peninsula many types of vegetation. Still persisting are northern plants and trees that flourished on the cape immediately following the retreat of the glacial ice. A warm era a thousand years ago brought southern species that yet linger here.

To the haven of Cape Cod come multitudes of birds, winging the Atlantic flyway to nest or sojourn here. The sea and the tidal marshes hold myriad lives. The tiny creatures of the beach withstand an ocean's battering, and beneath the deep water the schools of fish move in ways no man has fully fathomed.

Historically significant, Cape Cod was the Pilgrims' first landfall in the New World, and in later years harbored many of New England's famed fishing and whaling fleets. Courage sailed those fleets; faith awaited their return. The men and women Cape Cod reared have bequeathed to America a proud, intrepid heritage.

Representing the best of Cape Cod's natural features, the proposed national seashore holds many and varied recreation opportunities. Swimming in the surf; hiking the dunes, beaches, and forests are pleasures that can be widely enjoyed. Opportunities are also excellent for camping, boating, and bicycling, as well as for photography, sketching, bird study, and nature research of many kinds. Cape Cod is among the 10 most famous salt water fishing areas of the United States.

These healthful activities, which bring us close to earth and sea, help in turn to make us realize Cape Cod's truly great significance. Through these types of recreation we can better see the subtle splendors of the cape, feel the pulse of nature, and remember a stalwart history. Thus do we gain inspiration from the scene.

We must cherish and protect that scene, however, or our eagerness for recreation will abuse it. In administering areas within the national park system, it is the duty of the National Park Service under law to "conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

Here is an area where, under such a policy, a part of Cape Cod's outstanding recreation values may be conserved for public benefit and use, without harm to the features on which that recreation depends.

CHANGING LANDSCAPES—CHANGING MOODS

Cape Cod's "mightie headland" facing the Atlantic has been the subject of comment since mariners first charted it. Thoreau named it Great Beach. "A man may stand there," he wrote, "and put all America behind him." This outer beach extends from Race Point on the tip of the cape to the southern end of Nauset Beach in Chatham, a distance of about 40 miles. It is broken only once, at Nauset Harbor Inlet.

The mood of the outer beach changes with time, tide, seasons, and weather, creating unlimited visual impressions. Fifteen miles of the central section are characterized by the bank of original glacial deposits, varying in height from 50 to 175 feet and sliced by the elements into clean-sloping cliffs. Ocean panoramas from these heights are among the finest in America. Below, the cliffs wall in a solitude of beach and surf.

At Provincetown and Truro there are eight square miles of some of the most spectacular dunes along the Atlantic seaboard. Unlike the cliffs, they have been built up since glacial times with material eroded from the outer banks. Here the scenes are as shifting as the tides and sands. The dunes move to engulf the forest as tiny plant roots grip them in an endless struggle for survival.

Below the headlands near Nauset Light a spit extends the beach southward for 15 miles, barring the surf from the waters of Pleasant Bay. Although the spit averages less than a quarter of a mile in width, this postglacial deposit provides, in its central section, the broadest beach along the entire outer arm of the cape. Low dunes lie behind the beach, and behind the dunes are picturesque marshes rich in bird and marine life.

A different, a more placid mood pervades that section of the proposed national seashore that borders Cape Cod Bay. Along a representative 6½ miles of beach north of Jeremy Point, the sea is gentle and the strand is wide. The 500 acres of Jeremy Point, Great Beach Hill, and Great Island, linked to the cape only by a strip of sand, seem isolated and remote. Yet they offer views of traditional Cape Cod life and activity. From here one can watch clam diggers probing the beaches, and can see the far steeples of Provincetown, the sails that fleck the cove, the fishing boats riding in Wellfleet Harbor.

Up from the northern half of the bayside beach roll extensive heathlands reminiscent of old England's countryside. Maples and tupelos mark the course of the Herring River, haunt of mink and muskrat. Wild geese and ducks feed in the marshes of Duck Harbor and Bound Brook. Eastward, heath and marsh give way to forests of pitch pine and mixed hardwoods extending to the salt spray of the Atlantic.

These woodlands hold another Cape Cod world, so near the crashing surf yet secret from it and serene. Fresh-water ponds lap softly here, spangled with water lilies and edged with rushes, pickerel weed, and water lobelia. Inkberry and sweet pepper bushes crowd banks which once surrounded buried icebergs, for these ponds now fill glacial "kettleholes" left by the melted ice. There are 20 named ponds in the area, ranging in size to 109 acres and with characteristics differing with drainage and exposure to wind. North of the ponds, amid the cape's most rugged countryside, the headwaters of the Pamet and Little Pamet Rivers flow through valleys, once cut by glacial torrents.

Off the elbow of Cape Cod lies Monomoy Island, a 10-mile length of barrier beach where only shrubs and grasses have withstood the sea's salt lash. Monomoy is a National Wildlife Refuge administered by the U.S. Department of the Interior, and provides nesting, feeding, and resting grounds for more than 300 species of birds. Morris Island and Harding Beach, two important natural areas closely associated with Monomoy Island, are highly desirable as part of the proposed national seashore. Excellent forest cover, animal life, a rare coast white cedar bog, and an interesting geologic history add to the attraction of Morris Island. Harding Beach is the only beach on the south shore of the cape in the suggested seashore area.

LOOKING BACK: A LANDMARK OF HISTORY

Indians were living on Cape Cod well before the Christian era. Sites excavated by archeologists disclose a continuous Indian occupation down to historic times.

The Vikings may have been the first white men to see Cape Cod. Indeed, the "Wonder Strands" they afterwards described may well have been Great Beach.

Unnamed fishermen followed the Vikings, and their unrecorded tales probably helped to turn explorers west rather than east during the 15th and 16th centuries. John Cabot was perhaps the first explorer to round the cape. Then came Verrazano; Bartholomew Gosnold, who gave the cape its name; Champlain, pioneer geographer of the region; and Capt. John Smith, who drew the first accurate map of it. Cape Cod was inevitably a landmark in the age of exploration.

Landmark became landing place when the Pilgrims arrived in Provincetown Harbor in November 1620. These New England founders lingered a few weeks at the cape while making their first tentative contacts with a strange new world. From here they sailed to find the harbor—Plymouth—that became their home. Permanent settlement of Cape Cod did not come until 1637.

Seafaring conditioned the cape's development in the years following, when every little harbor and estuary had its fishing fleet. The cape's drift whaling and shore whaling of the 17th century began the great American whaling saga that was to reach its climax in the mid-19th century. Provincetown, a leading fishing center after the Revolutionary War, remained also a whaling port of consequence even when Nantucket and New Bedford later dominated that famous industry. Sharing Provincetown's prosperity were Truro, Chatham, and Wellfleet. In 1851, Wellfleet stood second only to Gloucester in fishing, and from 1830 to 1870 it was the oyster capital of New England.

Cape Cod's fishing prosperity built an important salt industry, with its salt works, fish drying racks, and picturesque windmills. Lighthouses, the earliest built in 1797, meanwhile stood witness to the hazard of a coast that perhaps has equal claim with Hatteras to be called Graveyard of the Atlantic.

Salvage from British warships wrecked off Great Beach during the Revolutionary War helped Cape Codders to weather a British blockade. Although only Falmouth on the lower cape was raided, an enemy squadron occupied Provincetown Harbor, and the entire peninsula lived under the threat of naval attack. Cape whalingmen, their normal activities disrupted, because privateersmen, sailing in whatever home ships could be freed or manning the privateers of other ports.

In modern times, World Wars I and II brought stern reminders of this earlier enemy activity. On the beach at East Orleans fell the only hostile shots, reportedly, to land on American soil in World War I—fired by a German U-boat. Residents today remember survivors of torpedoed American transports in World War II being brought ashore at Provincetown.

LOOKING AHEAD: A LEGACY PRESERVED

Recreation has long been the most productive use of the lands still suitable for the proposed Cape Cod National Seashore. Low fertility makes them unsuitable for agriculture, and transportation distances, lack of raw material, and possible depletion of fresh

water under extensive use greatly limit their industrial potential. The economic history of the cape reflects a continuous change from the original broad economic base of fishing and agriculture to specialization in recreation services. Without immediate preservation of the cape's natural features, however, there is great danger that the recreational qualities which have drawn increasing numbers to the cape each year will soon be lost for all time, consumed by commercialization and real-estate subdivisions.

In order not to damage the values which the national seashore would preserve, any facilities needed in it would be held to the minimum consistent with public safety, comfort, and enjoyment. No major commercial enterprises within the boundaries are necessary or contemplated. Private enterprise in the adjoining communities would therefore be relied upon to supply meals, lodging, wares, and visitor services. Many such businesses already exist, and it is anticipated that they can be expanded as demand increases.

Development in the seashore would consist primarily of centers where visitors could learn about the area; ranger stations; camping, picnicking, and swimming places with adjacent parking; wayside exhibits, and a system of trails. Roads would be of a type that would permit safe, leisurely enjoyment of the scenery, and portions of the area would be left roadless to preserve their characteristic charm of remoteness.

In planning essential facilities, extreme care would, of course, be taken to insure that they not obtrude upon natural and historic features. Structures within the boundaries of the seashore would be designed to blend harmoniously with the natural scene and with the traditional Cape Cod architecture.

The primary purpose of the proposed Cape Cod National Seashore is to preserve henceforth for public enjoyment the scenic, scientific, and historic features that exist here. To the people of Cape Cod, whose livelihood depends upon an economy springing from the cape's natural recreation resources, this means insurance for the future. And, to the people of the Nation, this means that a source of quiet peace and inspiration, fast disappearing elsewhere, will always be available here, becoming more meaningful to each succeeding generation.

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[From the U.S. Department of the Interior, Fish and Wildlife Service, Refuge Leaflet 35]

MONOMOY NATIONAL WILDLIFE REFUGE

Monomoy National Wildlife Refuge is located on the "elbow" of Cape Cod, within the bounds of Chatham Township, Barnstable County, Mass. Geographically, the refuge is approximately 100 miles southeast of Boston, 260 miles east of Albany, N.Y., and 285 miles northeast of New York City. Inasmuch as the refuge area is an offshore island, access must be by short boat trip from Chatham, Mass. Accommodations and boat liveries are available locally. The town of Chatham can be reached by highway, air, rail, and bus. A refuge office is maintained at 453 Main Street, Chatham, Mass., telephone Chatham 526.

Monomoy Island serves as a very important link in the chain of migratory waterfowl refuges along the Atlantic flyway, which extends from Canada to Florida and the gulf. The island was formed by nature into a coastal barrier beach, ranging in width from one-quarter to 1½ miles, and stretching approximately 10 miles south from the mainland. The refuge area is bounded on the west by Nantucket Sound and on the east by the Atlantic Ocean. The entire island, comprising nearly 3,500 acres, consists of sand dunes, salt and fresh marshes, freshwater ponds, potholes, and coastal thickets. The major portion of Monomoy refuge is covered by sand dunes, low sweeping salt-marsh grass meadows and fresh-water marsh areas. At the head of the island is a section, known locally as Morris Island, which is densely wooded and thicketed by scrubby pines and underbrush.

Purpose: The refuge provides nesting, feeding, and resting grounds for waterfowl, shorebirds, land, and oceanic birds, comprising a known 309 species as indicated by refugee and ornithological observers. Although the area is managed mainly for waterfowl, particularly the black duck and Canada goose, many other species utilize the refuge and adjacent waters throughout the year. Monomoy's waterfowl and other birds converge upon the island from points throughout northeastern North America, particularly from Canada. During the height of the fall migration and subsequent wintering season, approximately a million elders and scoters may use waters and shoal areas surrounding Monomoy.

History: The island which became the Monomoy National Wildlife Refuge in 1944 is a coastal barrier beach, cut away from Cape Cod and extending south from it. The cape itself is a moraine—a ridge of earth and stones collected by a glacier and deposited when warm winds and weather caused a sort of glacial fallout. The icefields had lifted and literally transplanted large accumulations of earth and rock, scraped and dragged along by the enormous weight of the moving ice mass. The coastal barrier beaches were then formed by tides, currents, and winds acting upon the moraine and the waters around them. Recently, this barrier strip was subjected to severe storms and high tides resulting in the breaching of the island at several places.

Refuge management: The management of this refuge is directed primarily toward the development, rehabilitation, and improvement of habitat for waterfowl. The location of Monomoy refuge in the direct course of the Atlantic flyway is of special importance. Rehabilitation of marsh areas, planting of wildlife food crops, development of nesting and resting areas, control of undesirable vegetation, development and maintenance of ponds and potholes, and protection during vulnerable periods have combined to result in increased usage of the refuge during annual migrations and concentrations.

Other protective management includes predator control, fur management, and sand dune erosion control, plus the building and planting of dikes and roadways as a part of shoreline improvement, to reduce destruction of erosive tides and winds. Tide control gates have been installed to conserve precipitation and to control fresh water levels. The development of numerous potholes and small ponds has been accomplished, providing additional feeding and resting areas. Black ducks, blue-wing teal, and red-breasted mergansers breed here each year. Monomoy Refuge is the southernmost point in North America where nesting of the red-breasted merganser occurs.

Natural food of the refuge are supplemented by planting of millet, smartweed, and rye on suitable areas adjacent to ponds, potholes, and marshes for greatest utilization. Census taking and seasonal usage analyses are standard refuge practices.

Wildlife: The island in its natural setting has long been renowned as a shorebird area. Many species may be seen in breeding or spring plumage during the spring migration which reaches its peak in May. During the fall migration, beginning in July, these species may be seen in their fall or winter plumage accompanied by immature birds.

The island with its varied habitat plays host to many species of land birds as well. Its unique coastal position provides a haven for migrant land birds forced to shore areas by strong westerly winds. Birdwalks are encouraged and have become increasingly popular among a large number of visitors. A bird list is available upon application to the refuge manager.

Mammals on the refuge include the white-tailed deer, fox, and occasionally muskrat, otter, and mink.

Recreation: Varied forms of recreation are available to the public on the refuge. They include fishing, camping, hiking, shell collecting, picnicking, and photography. Shellfishing is prohibited, except to people licensed by the town of Chatham.

Cape Cod and its surrounding waters offer one of America's most excellent fishing areas. Among the fish to be caught off Monomoy Island are striped bass, found from May through October; bluefish, caught from August through September; flounder and fluke, with seasons running from June through September; cod, year round; and haddock, caught from May through November. Numerous boat liveries in and around Chatham serve refuge visitors.

Hiking and picnicking are permitted as long as local, State, and Federal ordinances are strictly observed. These are largely concerned with public and private safety and fire prevention. Camping, picnicking, and fire building are restricted to the beach areas. There is no developed picnic area.

Photography is particularly encouraged, as the island offers a variety of landscapes, seascapes, and wildlife—all admirable subject matter for the photographer.

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LEGISLATIVE REFERENCE SERVICE,
*Washington, D.C.*

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Leighton, Clare Veronica Hope: "Where Land Meets Sea," the tide line of Cape Cod; New York, Rinehart (1954), 202 pages (F72.C3L4).

Lincoln, Joseph Crosby: Cape Cod Ballads and other verse with drawings by Edward W.

free world the plight of these people. They are performing a service to this country which I believe is invaluable in the psycho-political and propagandist area of the cold war in which we are now engaged.

Mr. Speaker, I believe that through the force of such organizations as the Ukrainian Congress Committee, some day in the not too distant future all these enslaved countries now under communistic rule and the people within them will have the right to self-determination and to their own form of government.

I trust that the Ukrainian Congress Committee will continue its fine work of informing the free world of the problems faced by these people, and that on its 20th anniversary it will continue to flourish and grow as it has during the past 20 years.

## Equal Opportunity for Employment

EXTENSION OF REMARKS
OF
### HON. LOUIS C. RABAUT
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
*Thursday, September 1, 1960*

Mr. RABAUT. Mr. Speaker, in all the controversy and discussion over civil rights that has taken place in recent years, I believe that John Q. Public has tended to identify civil rights with racial equality alone. He has thought of civil rights in terms of school desegregation, lunch counter "sit-ins," bus boycotts and the like. While all this has certainly been true, it would be a great mistake indeed to exclude from the concept of civil rights the many other areas that fall within the much broader connotation of that term. For in addition to discrimination based upon color, there is also prevalent discrimination based upon race, religion and national origin. Furthermore, discrimination rears its ugly head in many different areas of everyday life: In voting, in education, at lunch counters, in housing, in the administration of justice, in employment. It is this last area, employment, with which I wish to concern myself today. Equal opportunity for employment—an opportunity open to all citizens—is not widely enough recognized as the true civil rights issue that it actually is. If anything, Mr. Speaker, this is an even more pressing aspect of civil rights than what is at stake in the lunch counter "sit-ins," because discrimination in the area of employment directly affects the ability of a man to support himself and feed and clothe his family. Discrimination in employment can deny a man the opportunity—and thus the right—to live among his fellow men in a manner commensurate with simple human dignity. Few issues, therefore, reach to a more fundamental level than the question of discrimination in employment and the opportunity therefor.

In addition to the discriminatory considerations of race, color, religion and national origin, discrimination in employment is often based also on age and sex. As the 1960 Democratic Party platform points out: "Unemployment strikes hardest at workers over 40, minority groups, young people and women. We will not achieve full employment until prejudice against these workers is wiped out." This is indeed a sad commentary on the current temper of our society, but it is nonetheless true. And it must be corrected and eliminated entirely and permanently from our great Nation.

One may ask how this is to be done. The answer is spiritual, moral and intellectual honesty in facing the problem squarely and acting in a bold and positive fashion within the framework of our Constitution and our inherent belief in the equality of all men. This is how it is to be done—not by talk but by action; not with bitterness but with conviction in the right of what must be done; not with contempt or disregard for the traditions and sentiments of some of our fellow citizens but with dedication and adherence to the broader principles for which this whole Nation stands.

The Democratic platform for 1960 is poignantly entitled "The Rights of Man." Time and again it takes full cognizance of the importance of the right to equal opportunity for employment. The civil rights plank of that platform states specifically:

> The new Democratic administration will support Federal legislation establishing a Fair Employment Practices Commission to secure effectively for everyone the right to equal opportunity for employment.

Here is concrete evidence that the Democratic Party plans to take action and not merely to deal with this problem in forensic platitudes. It is this type of clear thinking and positive action that has time and time again over the years made me proud to be a Democrat and I would only hope that I shall be able to transmit this pride and the reasons for it to the many, wonderful John Q. Publics I am privileged to represent.

## The Cape Cod National Seashore Proposal

EXTENSION OF REMARKS
OF
### HON. HASTINGS KEITH
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
*Thursday, September 1, 1960*

Mr. KEITH. Mr. Speaker, early next session, the Congress will be called upon to consider legislation of great significance to my district and to the Nation—the Cape Cod national seashore proposal.

I am hopeful that when this measure comes to the floor for action, many Members of the House will be able to contribute to the debate and cast their votes with the foresight which can only come from personal knowledge of the area.

Cape Cod is known as one of America's favorite vacationlands. It is renowned for its natural and historic significances. I take this opportunity to invite all my colleagues who have never visited the Cape to spend "Indian summer" with us.

## Freedom Academy Bill

EXTENSION OF REMARKS
OF
### HON. JACK WESTLAND
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
*Thursday, September 1, 1960*

Mr. WESTLAND. I am gratified that the Senate has passed S. 1689 which I believe potentially is a potent weapon against world communism. This bill, better known as the Freedom Academy bill, is identical to the bill I introduced, H.R. 13227, which would create a Freedom Commission for the development of the science needed to counteract the world Communist conspiracy and for training leaders necessary for total political war.

I intend to introduce this bill again in the 87th Congress and to work for its passage because I believe that in our constant battle against communism this academy will be one of our greatest weapons.

The cold war is political war, and the Soviets accept it as a total war to be won with all resources at their command. Russia had trained tens of thousands in specialized institutions to wage its ideological and political warfare against the free peoples of the earth.

America and the free nations are up against an enemy who has mastered social, political, ideological, psychological, and economic warfare. This enemy has used these tools to infiltrate rear areas of our military defenses and to sway the uncertain and timid to his side.

At our doorstep, less than 100 miles from our shores, the Communists have captured a popular revolution in a Catholic country. The overwhelming majority of Cubans followed Fidel Castro on his victory march into Havana, but instead of a freedom from tyranny it is now under the thumb of a Communist minority. This country, once friendly to America, is the staging area for Communist expansion into Latin America.

This is but one of the problems we face in the cold war today because our enemy has professionals pitted against our irregulars. By passage of S. 1689, we could have taken a step forward toward overcoming our deficiencies.

Mr. Speaker, the Honorable WALTER H. JUDD, of Minnesota, in his keynote speech at the Republican Convention said we have a good strategy for holding, but we cannot hope to win in the end by just holding. We must develop a strategy for victory.

Vice President RICHARD M. NIXON elaborated on this theme in his acceptance speech when he said:

> The Communists proclaim over and over again that their aim is the victory of communism throughout the world. It is not enough for us to reply that our aim is to contain communism, to defend the free

four Governors and an appointee of the President to plan the multipurpose use of the water of the basin, which drains 12,750 square miles and serves the domestic and industrial needs of 16 million people in the four States. The commission would have authority over flood control, water supply, pollution control, hydroelectric power production where feasible, recreation, fish and wildlife improvement, soil conservation, forestation and watershed management. Navigation would remain the exclusive concern of the Federal Government.

The compact recognizes present decisions of the Supreme Court regarding allocation of Delaware River water among the States, but provides that future applications for diversion of water will be made to the Commission, subject to appeal to the U.S. Supreme Court. Disputes would thus be settled without recourse to prolonged litigation in the lower courts.

While the Commission would establish a comprehensive plan and provide common direction for operations of the 19 Federal agencies and approximately 60 State agencies which are concerned to some degree with the water resources of the basin, it would not supersede those agencies. In the construction of dams, it would work through the Corps of Army Engineers, which is now completing a multipurpose study of the Delaware.

The Commission would be financed by appropriations, grants, and loans from Federal and State powers. It would have no taxing powers, but could issue revenue bonds and impose charges for products and services. The compact will be in effect for 100 years, with the proviso that the Federal Government may withdraw by law at any time.

Mr. President, the compact is a unique piece of proposed legislation, resulting from hard work in all four States and coordination with the Federal Government. It began as long ago as 1954. I hope it will receive the favorable consideration of the President and will become law before this session of the 87th Congress adjourns.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 856) to create a regional agency by intergovernmental compact for the planning, conservation, utilization, development, management and control of the water and related natural resources of the Delaware River Basin, for the improvement of navigation, reduction of flood damage, regulation of water quality, control of pollution, development of water supply, hydroelectric energy, fish and wildlife habitat and public recreational facilities, and other purposes, and defining the functions, powers, and duties of such agency, introduced by Mr. CLARK (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Public Works.

Mr. KEATING subsequently said: Mr. President, I am very pleased to be a cosponsor of this bill to create an interstate-Federal compact for the regulation of the Delaware River Basin. The four riparian States—New York, New Jersey, Pennsylvania, and Delaware—and the Federal Government will, it is hoped, become parties to this agreement for unified water planning throughout the 12,750 miles of the Delaware River watershed.

The need for this agreement is painfully evident today. The Delaware River Basin supplies about 800 million gallons of water daily to New York City and about 100 million to New Jersey. Although it occupies less than 1 percent of the land area of the United States, the Delaware River Basin service area has 13 percent of the Nation's population and generates 17 percent of national personal income.

For the planning and regulation of this vital river basin, there are in existence at present 25 Federal agencies, 14 interstate agencies, and 43 State departments, boards, and commissions. The need for an overall authority for control and planning is obvious.

This compact has the approval of the Governors of the four States concerned and of the mayors of the two large cities that are involved. It is a very valuable instrument, carefully conceived and drawn up. The five-member commission, with one representative from each State and one appointed by the President, will have the responsibility of formulating and keeping current a comprehensive plan for the development of the water resources of the whole basin, of constructing dams, reservoirs, and other facilities, and of allocating water supplies in an equitable apportionment.

Mr. President, this is a historic document, which has been approved by the Governors and mayors involved. I hope that the Senate will give it full approval so that we may move ahead in the all-important field of water resource development.

## CAPE COD NATIONAL SEASHORE PARK

Mr. SALTONSTALL. Mr. President, at the end of the 1st session of the 86th Congress—now almost a year and a half ago—Senator Kennedy and myself filed S. 2636, a bill to establish a Cape Cod National Seashore Park. Congressman KEITH filed a companion bill in the House. Since that time extensive consultation has been held concerning this project with planners, economists, conservationists, and officials at all levels of government. Two sets of hearings have already been held by both the House and Senate Subcommittees on Public Lands. Last June, Senator Kennedy and I presented a committee print of our bill, the revisions of which reflected testimony given and commentary offered about the project. On January 3 of this year, Congressman KEITH reintroduced the original legislation on the House side.

At the hearings last June, Senator Kennedy commented:

> I am convinced that the time is ripe for the establishment of this park along the lines recommended in the bill which Senator SALTONSTALL and I filed last summer and which we have attempted to improve and clarify since that time. * * * I am fully persuaded that this bill in its general conception and framework is adapted to the special requirements of a park on the lower cape.

At the same time—3 months ago—I testified:

> Further delay can only inconvenience everyone and harm the basic interests of the project. Individual homeowners won't know what to do with their property. Long-range zoning and economic planning efforts of the towns will be frustrated. Further commercial inroads will corrupt more of the area's natural beauty. * * * We must continue to move forward before it is too late.

Today, on behalf of myself and my colleague, the junior Senator from Massachusetts [Mr. SMITH], I introduce for appropriate reference a revised bill to establish a Cape Cod National Seashore Park. This bill makes no changes in the basic provisions of the committee print of last spring, since Senator SMITH and I believe that testimony offered at the hearings and advice given by experts in the field prove them to be uniquely sound for the area involved. The new bill does contain certain boundary revisions, based on requests made after long deliberation by the respective boards of selectmen of the six lower cape towns.

We feel that this project has been thoroughly investigated by Congress, and that the basic opinion of it here on the Senate side is strongly favorable. We have talked with the chairman of the Senate Subcommittee on Public Lands, Senator BIBLE, and he informs us that he is most willing to hold final hearings to take further testimony from representatives of the local towns, the Park Service, and other interested parties at a very early date. Secretary Udall said recently that he regarded this project as priority No. 1 on the list of important seashore proposals. The bill we are introducing today has been drafted as a result of close cooperation and consultation between our offices and with the Park Service and the White House staff. Congressman KEITH is continuously very helpful to us on the project.

The boundary revisions in the new bill—involving slightly under 1,500 acres to be excluded from the original park—are made in an attempt to consider reasonably the genuine growth needs of the towns concerned and at the same time to preserve the contiguity of the park so necessary to proper administration and conservation. Boundary revisions are made in four of the six towns concerned, and in every case involve specific areas among those requested for exclusion by local officials. In a fifth town a significant change has been made in the administration and use of a body of land which will remain technically part of the park but will be excluded from the park's normal public activities. The sixth town made no boundary revision request at all.

We would like to point out that Mr. Ben H. Thompson, Chief of the Recreational Resources Planning Division of the National Park Service, testified on the cape last December that the boundaries of S. 2636 were the minimum which the Park Service could recommend considering all of the circumstances. He pointed out that the exclusions proposed

at the hearings would, in the opinion of the Park Service, greatly impair the project. We mention this in order to point out candidly that the land exclusions included in the bill we are filing today, made in the interest of the local towns, already to some degree threaten sound conservation planning.

In Provincetown, our new bill excludes 332 acres of the province lands contained in the original bill out of a section which the Provincetown Board of Selectmen requested be excluded. In Truro, 308 acres in the Rider Beach area outlined by the board of sclectmcn has been omitted from the park. In Wellfleet on thc southeast side of the Herring River 325 acrcs requested by the board of selectmcn have been excluded. In Eastham 491 acrcs of a large arca of land in the northern part of the town requested by the board of selectmen to be excluded from the park have been taken out. Orlcans asked for no boundary revisions.

In Chatham we have designated Morris and Stage Islands as a nature sanctuary which shall be administered in such a way as to preserve the flora and fauna in the area and to prohibit camping and other major activities and developments for the accommodation of visitors. Morris and Stage Islands will thus be related to Monomoy Island, lying directly to thc south, which is presently administered as a wildlife refuge. This change answers both the valid concern of the Chatham Board of Selectmen that increased traffic congestion would necessitate widening the streets and thus impair the traditional charm of the town, and the worry that if Morris and Stage Islands were included as a regular part of the park, a tent site encampment might result on the islands destroying their natural beauty. With Morris and Stage Islands administered as a nature sanctuary, as under our new bill, neither traffic nor tenting problems could develop because ordinary public uses of the area are expressly prohibited.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point in my remarks a statement which my colleague from Massachusetts [Mr. SMITH] intended to make in connection with the introduction of the bill. He found it necessary to be out of town today, and therefore is unable to make the statement himself.

The President pro tempore. The bill will be received and appropriately referred.

The bill (S. 857) to provide for the establishment of Cape Cod National Seashore Park, introduced by Mr. SALTONSTALL (for himself and Mr. SMITH of Massachusetts), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SMITH OF MASSACHUSETTS

It is a privilege to join with my colleague Senator SALTONSTALL in introducing legislation to establish the Cape Cod National Seashore Park.

Cape Cod is rich in beauty and rich in history. The Pilgrims made their first landing there, at Provincetown, before settling at Plymouth. The great whaling fleets of the 18th and 19th centuries originated on the cape. In recent years, as more and more acreage on the east coast has been turned over to suburban development, Cape Cod has become one of the few relatively unspoiled areas, where those of us who love the sea can retreat, for a weekend, a vacation, or a permanent home.

The basic principle behind this bill is the same as that behind other national park legislation. It is the principle that the natural resources of our country should be preserved for the benefit of all the people. Unless a park is created, preservation will soon be impossible. Commercial development of the cape, in the last 10 years, has been very rapid. If the trend continues, the great beach and lovely inland spots, long accessible to the public, will be fenced off for private use. If this happens, the Commonwealth will have lost its best available parksite.

The bill also embodies another principle. It recognizes the historic way of life and the scenic integrity of the cape and provides a means for their preservation. It protects existing property interests, preserves the tax revenues of the towns and recognizes the right of the citizens of the cape to have a voice in the management of the park. Moreover, the new revisions of the boundaries afford a very generous grant of land for additional private development.

I will be happy to work with Senator SALTONSTALL, with Congressman KEITH, and with the citizens of the cape in finalizing this legislation for early passage. I hope we can enlist the cooperation of all the people of all the townships. While I realize there are shades of opinion on some of the issues, which deserve consideration, I am thoroughly convinced of the need for establishing a national park to preserve the natural beauty of the cape for the benefit of its present residents, and for all the people, for all time.

Mr. SALTONSTALL. Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD at this point.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

Whereas the coastal and shoreline area on Cape Cod, Massachusetts, possesses unique cultural, scenic, historic, scientific, and recreational values; and

Whereas these values are an important and irreplaceable part of the heritage of the United States; and

Whereas these values should be preserved and enhanced for the benefit and inspiration of all of the people of the United States of present and future generations; and

Whereas an adequate and representative portion of Cape Cod should be set aside and developed to assure its unimpaired use and enjoyment for varied cultural, scenic, historic, scientific, and recreational purposes: Now, therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the area comprising that portion of the land and waters located in the towns of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham in the Commonwealth of Massachusetts, and described in subsection (b), is designated for establishment as Cape Cod National Seashore Park (hereinafter referred to as "the park").

(b) The area referred to in subsection (a) is described as follows:

Beginning at a point in the Atlantic Ocean one-quarter of a mile due west of the mean low-water line of the Atlantic Ocean on Cape Cod at the westernmost extremity of Race Point, Provincetown, Massachusetts;

thence from the point of beginning along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean, Cape Cod Bay, and Provincetown Harbor in generally southerly, easterly, and northerly directions rounding Long Point and then southwesterly to a point a quarter of a mile offshore of the mean low-water line on the harbor side of the dike depicted on the United States Geological Survey Provincetown quadrangle sheet (1949) crossing an arm of the Provincetown Harbor;

thence northerly, along a line a quarter of a mile offshore of and parallel to the low-water line at the dike to a point easterly of the point of intersection of the sand dike with the boundary of the Province Lands Reservation as depicted on the said Provincetown quadrangle sheet;

thence westerly to the said point of intersection of the dike and the Province Lands Reservation boundary;

thence along the boundaries of the Province Lands Reservation northwesterly to the point where it crosses the southwesterly right-of-way line of State Route 6A;

thence northwesterly along said southwesterly right-of-way line of said State Route 6A for approximately 2,400 feet;

thence crossing said State Route 6A, and in a generally northwesterly direction for approximately 4,500 feet to a point approximately 400 feet beyond the southern boundary of the Province Lands extended southwestward from Clapps Pond;

thence northeasterly approximately 7,800 feet to a point on the easterly right-of-way line of Race Point Road, said point being approximately 900 feet generally north of a corner of the Province Lands Reservation boundary;

thence southeasterly to the easternmost corner of the Province Lands Reservation, being near United States Route 6;

thence leaving the said easternmost corner along an extension of the southerly reservation boundary line easterly to the northerly right-of-way line of United States Route 6;

thence along the northerly right-of-way line of United States Route 6 in a generally easterly direction crossing the Truro-Provincetown town line to and continuing in the town of Truro to a point four-tenths of a mile southeasterly of Highland Road;

thence leaving the northerly right-of-way line of United States Route 6 and running due east two-tenths of a mile;

thence turning and running in a southeasterly direction paralleling the general alinement of United States Route 6 and generally distant therefrom two-tenths of a mile crossing Pamet Road and continuing to a point three-tenths of a mile southerly thereof;

thence westerly to Mill Pond Road and crossing it and continuing along the southern right-of-way line of said road to its intersection with Old County Road;

thence following the easterly right-of-way line of Old County Road southward to a point opposite the southerly right-of-way line of Ryder Beach Road and its intersection with Old County Road;

thence eastward to a point 300 feet east of the easterly right-of-way line of said Old County Road;

thence in a southerly direction paralleling Old County Road at a distance of 300 feet to the east of the easterly right-of-way line of said road to a point 600 feet south of the southerly right-of-way line of Prince Valley Road;

thence in a generally westerly direction, crossing Old County Road and the New

York, New Haven, and Hartford Railroad right-of-way to the southern extremity of the Town Landing and Beach in the Ryder Beach area, and continuing to a point in Cape Cod Bay a quarter of a mile offshore from the mean low-water line at said extremity of the town landing and beach;

thence turning and running along a line a quarter of a mile offshore of and parallel to the mean low-water line of Cape Cod Bay in a general southerly and easterly direction rounding Jeremy Point and thence in a general northerly direction along a line a quarter of a mile offshore of and parallel to the mean low-water line on the westerly side of Wellfleet Harbor to a point one quarter of a mile due north of the mean low-water line at the eastern tip of Great Island as depicted on the United States Geological Survey Wellfleet quadrangle sheet (1958);

thence north to the mean high-water line on the north shore of the Herring River estuary in the vicinity of its confluence with Wellfleet Harbor;

thence following the mean high-water line southwesterly, northwesterly, and northeasterly to the easterly right-of-way line of Chequesset Neck Road at its crossing of Herring River;

thence following the course of Herring River along the 20-foot contour line of the southeasterly shore thereof to a point near Mill Creek;

thence crossing Mill Creek in a northeasterly direction to the 20-foot contour level near to and northeast of the confluence of Mill Creek and Herring River;

thence following generally northerly and easterly along the easterly edge of the Herring River marshes on the 20-foot contour to a point north of which the easterly right-of-way line of a medium duty road, as depicted on said Wellfleet quadrangle sheet, crosses northward across a marshy stream near the juncture of said medium duty road with Bound Brook Island Road;

thence crossing said marshy stream along said easterly right-of-way line of said medium duty road, and continuing in a northerly direction to the 20-foot contour level on the north side of said marshy stream;

thence following the 20-foot contour line westward approximately 1,000 feet to its intersection with an unimproved dirt road, as depicted on said Wellfleet quadrangle sheet, leading from a point near the juncture of Bound Brook Island Road and the said medium-duty road;

thence following said unimproved dirt road northwesterly for approximately 1,600 feet to the 20-foot contour line bordering the southerly edge of the Herring River marshes;

thence following said 20-foot contour line in an easterly direction to Route 6;

thence crossing Route 6 and continuing to a point on the easterly right-of-way line of a power transmission line as depicted on the said Wellfleet quadrangle sheet;

thence in a general southerly direction along the said easterly right-of-way line of a power transmission line to the Eastham-Wellfleet town line;

thence southeasterly for a distance of approximately 5,200 feet to a point due north of the intersection of the easterly right-of-way line of Nauset Road with the northerly right-of-way line of Cable Road;

thence due south to the intersection of the said easterly right-of-way line of Nauset Road and the said northerly right-of-way line of Cable Road;

thence in a general southerly direction crossing Cable Road and along said easterly right-of-way line of Nauset Road to a point 500 feet north of the northerly right-of-way line of Doane Road and its intersection with Nauset Road;

thence west to a point 500 feet west of the westerly right-of-way line of Nauset Road;

thence southerly and westerly 500 feet from and parallel to the said right-of-way line of Nauset Road to the easterly right-of-way line of Salt Pond Road;

thence southerly along the easterly right-of-way line of said Salt Pond Road to its intersection with the southerly right-of-way line of Nauset Road;

then westerly along the southerly right-of-way line of Nauset Road to its intersection with the easterly right-of-way line of United States Route 6;

thence southerly along the easterly right-of-way line of United States Route 6 to a point four-tenths of a mile southerly of the intersection of Locust Road and United States Route 6;

thence easterly to a point one-tenth of a mile from United States Route 6;

thence turning and running in a generally southerly direction paralleling the general alinement of United States Route 6 and generally distant therefrom one-tenth of a mile to a small stream approximately one-tenth of a mile beyond Governor Prence Road extended;

thence southeasterly along the stream and continuing to the Orleans-Eastham town line;

thence along the Orleans-Eastham town line to the southerly tip of Stony Island;

thence generally southerly in the town of Orleans to the easterly edge of the Nauset Harbor Channel as depicted on the United States Geological Survey Orleans quadrangle sheet (1946);

thence in a generally southerly direction along the said easterly edge of the Nauset Harbor Channel to a point due south of the southwesterly tip of Nauset Beach on the north side of the entrance to Nauset Harbor from the Atlantic Ocean as depicted on the said Orleans quadrangle sheet;

thence due south to the twenty-foot contour in Nauset Heights as delineated on the said Orleans quadrangle sheet;

thence generally southerly along the said twenty-foot contour to a point about one-tenth of a mile northerly of Beach Road;

thence southwesterly along a line intersecting Beach Road at a point two-tenths of a mile easterly of the so-called Nauset Road leading northerly to Nauset Heights;

thence southerly to the head of a tributary to Little Pleasant Bay at the northerly tip of Pochet Neck as depicted on the said Orleans quandrangle sheet;

thence generally southerly along the thread of channel of the said tributary passing westerly and southwesterly around Pochet Island and thence southwesterly into Little Pleasant Bay passing to westerly of the northerly tip of Sampson Island, the westerly tip of Money Head, and the southwesterly tip of Hog Island following in general the center line of Little Pleasant Bay to Pleasant Bay;

thence generally southeasterly in Pleasant Bay along a line passing midway between Sipson Island and Nauset Beach to a point on the Chatham-Orleans town line one-quarter of a mile westerly of the mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach;

thence generally southerly in Pleasant Bay in the town of Chatham along a line a quarter of a mile offshore of and parallel to the said mean low-watcr line of Pleasant Bay on the westerly shore of Nauset Beach to a point a quarter of a mile south of the mean low-water line of the southern tip of Nauset Beach;

thence easterly rounding the southern tip of Nauset Beach along a line a quarter of a mile offshore of and parallel thereto;

thence generally northerly and northwesterly, and westerly along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean on the easterly shore of Nauset Beach and on to the outer cape to the point of beginning.

Also included in such area are lands located in the town of Chatham and more particularly described as follows:

Beginning at a point on the northwesterly corner of the boundary of Monomoy National Wildlife Refuge at the mean low-water line on the western shore of Morris Island;

thence generally southerly, westerly, southerly, easterly, and northerly along the exterior boundary line of said Monomoy National Wildlife Refuge to a point on the northeasterly corner of said refuge located on the mean low-water line on the eastern shore of Morris Island;

thence northerly, westerly, and southerly along the mean low-water line of Morris Island and Stage Island to the point of beginning.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as "Secretary") is authorized to acquire by purchase, gift, condemnation, transfer from any Federal agency, exchange, or otherwise, the land, waters, and other property, and improvements thereon and any interest therein, within the area which is described in section 1 of this Act or which lies with the boundaries of the park as described pursuant to section 3 of this Act (both together hereinafter) in this Act referred to as "such area"). Any property, or interest therein, owned by the Commonwealth of Massachusetts, by any of the towns referred to in section 1 of this Act or by any other political subdivision of said Commonwealth may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

(b) In exercising his authority to acquire property in accordance with the provisions of subsection (a) of this section, the Secretary shall have authority to incur obligations and enter into contracts involving the expenditure of funds authorized by section 10 of this Act for the acquisition of property and his action in doing so shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated.

(c) The Secretary is authorized (1) to use donated and appropriated funds in making acquisitions under this Act, and (2) to pay therefor not more than the fair market value of any acquisitions which he makes by purchase under this Act.

(d) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within such area. The properties so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

(e) As used in this Act the term "fair market value" shall mean the fair market value as determined by the Secretary, who may in his discretion base his determination on an independent appraisal obtained by him.

SEC. 3. (a) As soon as practicable after the date of enactment of this Act and following the acquisition by the Secretary of an acreage in the area described in section 1 of this Act that is in the opinion of the Secretary efficiently administrable to carry out the purposes of this Act, the Secretary shall establish Cape Cod National Seashore Park by the publication of notice thereof in the Federal Register.

(b) Such notice referred to in subsection (a) of this section shall contain a detailed description of the boundaries of the park which shall encompass an area as nearly as practicable identical to the area described in section 1 of this Act. The Secretary shall forthwith after the date of publication of such notice in the Federal Register (1) send a copy of such notice, together with a map showing such boundaries, by registered or certified mail to the Governor of the Commonwealth of Massachusetts and to the board of selectmen of each of the towns referred to in section 1 of this Act; (2) cause a copy of such notice and map to be published in one or more newspapers which circulate in each of such towns; and (3) cause a certified copy of such notice, a copy of such map, and a copy of this Act to be recorded at the registry of deeds for Barnstable County, Massachusetts.

SEC. 4. (a)(1) The beneficial owner or owners of improved property which the Secretary acquires by condemnation may elect, as a condition to such acquisition, to retain the right of use and occupancy of the said property for noncommercial residential purposes for a term of twenty-five years, or for such lesser time as the said owner or owners may elect at the time of such acquisition.

(2) The beneficial owner or owners, not being a corporation, of a freehold estate in improved property which property the Secretary acquires by condemnation, who held, on September 1, 1959, with respect to such property, an estate of the same nature and quality, may elect, as an alternative and not in addition to whatever right of election he or they might have under paragraph (1) of this subsection, to retain the right of use and occupancy of the said property for noncommercial residential purposes (i) for a term limited by the nature and quality of his or their said estate, if his or their said estate is a life estate or an estate pur autre vie, or (ii) for a term ending at the death of such owner or owners, or at the death of the survivor of them, if his or their said estate is an estate of fee simple.

(3) Where such property is held by a natural person or persons for his or their own life or lives or for the life or lives of another or others (such person or persons being hereinafter called "the life tenant"), with remainder in another or others, any right of election provided for in paragraph (2) of this subsection shall be exercised by the life tenant, and any right of election provided for in paragraph (1) of this subsection shall be exercised by the concurrence of the life tenant and the remainderman or remaindermen.

(4) The beneficial owner or owners of a term of years in improved property which the Secretary acquires by condemnation may elect, as a condition to such acquisition, to retain the right of use and occupancy of the said property for noncommercial residential purposes for a term not to exceed the remainder of his or their said term of years, or a term of twenty-five years, whichever shall be the lesser. The owner or owners of the freehold estate or estates in such property may, subject to the right provided for in the preceding sentence, exercise such right or rights of election as remain to them under paragraphs (1) and (2) of this subsection.

(5) No right of election accorded by paragraphs (1), (2), or (4) of this subsection shall be exercised to impair substantially the interests of holders of encumbrances, liens, assessments, or other charges upon or against the property.

(6) Any right or rights of use and occupancy retained pursuant to paragraphs (1), (2), and (4) of this subsection shall be held to run with the land, and may be freely transferred and assigned.

(7) In any case where a right of use and occupancy for life or for a fixed term of years is retained as provided in paragraph (1), (2), or (4) of this subsection, the compensation paid by the Secretary for the property shall not exceed the fair market value of the property on the date of its acquisition by the Secretary, less the fair market value on such date of the said right retained.

(8) The Secretary shall have authority to terminate any right of use and occupancy of property, retained as provided in paragraph (1), (2), or (4) of this subsection, at any time after the date when any use occurs with respect to such property which fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in regulations issued pursuant to section 6 of this Act and in effect on said date: *Provided*, That no use which is in conformity with the provisions of a zoning bylaw approved in accordance with said section 6 which is in force and applicable to such property shall be held to fail to conform or be opposed to or inconsistent with any such standard. In the event that the Secretary exercises the authority conferred by this paragraph, he shall pay to the owner of the right so terminated an amount equal to the fair market value of the portion of said right which remained on the date of termination.

(b)(1) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all improved property located within such area in all of the towns referred to in section 1 of this Act for one year following the date of its enactment.

(2) Thereafter such authority shall be suspended with respect to all improved property located within such area in any one of such towns during all times when such town shall have in force and applicable to such property a duly adopted, valid zoning bylaw approved by the Secretary in accordance with the provisions of section 5 of this Act.

(c) The Secretary's authority to acquire property by condemnation shall be suspended with respect to any particular property which is used for commercial or industrial purposes during any periods when such use is permitted by the Secretary and during the pendency of the first application for such permission made to the Secretary after the date of enactment of this Act provided such application is made not later than the date of establishment of the park.

(d) The term "improved property," wherever used in this Act, shall mean a detached, one-family dwelling the construction of which was begun before September 1, 1959 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated. The amount of the land so designated shall in every case be at least three acres in area, or all of such lesser amount as may be held in the same ownership as the dwelling, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: *Provided, however*, That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters as the Secretary may deem necessary for public access thereto.

SEC. 5. (a) As soon after the enactment of this Act as may be practicable, the Secretary shall issue regulations specifying standards for approval by him of zoning bylaws for purposes of section 4 of this Act. The Secretary may issue amended regulations specifying standards for approval by him of zoning bylaws whenever he shall consider such amended regulations to be desirable due to changed or unforeseen conditions. The Secretary shall approve any zoning bylaws and any amendment to any approved zoning bylaw submitted to him which conforms to the standards contained in the regulations in effect at the time of the adoption by the town of such bylaw or such amendment. Such approval shall not be withdrawn or revoked, nor shall its effect be altered for purposes of section 4 of this Act by issuance of any such amended regulations after the date of such approval, so long as such bylaw or such amendment remains in effect as approved.

(b) The standards specified in such regulations and amended regulations for approval of any zoning bylaw or zoning bylaw amendment shall contribute to the effect of (1) prohibiting the commercial and industrial use, other than any commercial or industrial use which is permitted by the Secretary, of all property within the boundaries of the park which is situated within the town adopting such bylaw; and (2) promoting the preservation and development, in accordance with the purposes of this Act, of the area comprising the park, by means of acreage, frontage, and setback requirements and other provisions which may be required by such regulations to be included in a zoning bylaw consistent with the laws of Massachusetts.

(c) No zoning bylaw or amendment of a zoning bylaw shall be approved by the Secretary which (1) contains any provision which he may consider adverse to the preservation and development, in accordance with the purposes of this Act, of the area comprising the park, or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under and any exception made to the application of such bylaw or amendment.

(d) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended by reason of the adoption and approval, in accordance with the foregoing provisions of this section, of a zoning bylaw applicable to such property (hereinafter referred to as "such bylaw")—

(1) is made the subject of a variance under or an exception to such bylaw, which variance or exception fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in the regulations issued pursuant to this section and in effect at the time of the passage of such bylaw (but if such bylaw has been amended at the time of the passage of the most recent amendment), or

(2) upon or with respect to which there occurs any use, commencing after the date of the publication by the Secretary of such regulations, which fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in such regulations (but no use which is in conformity with the provisions of such bylaw shall be held to fail to conform or be opposed to or inconsistent with any such standard), the Secretary may, at any time and in his discretion, terminate the suspension of his authority to acquire such improved property by condemnation: *Provided, however*, That the Secretary may agree with the owner or owners of such property to refrain from the exercise of the said authority during such time and upon such terms and conditions as the Secretary may deem to be in the best interests of the development and preservation of the park.

SEC. 6. The Secretary shall furnish to any interested person requesting the same, a certificate indicating, with respect to any property located within the park as to which the Secretary's authority to acquire such property by condemnation has been suspended in accordance with the provisions of

this Act, that such authority has been so suspended and the reasons therefor.

SEC. 7. (a) In order to provide compensation for tax losses sustained by the towns referred to in section 1 of this Act as a result of certain acquisitions by the Secretary of privately owned real estate and improvements thereon pursuant to the provisions of this Act, payments in lieu of taxes shall be made to each such town in which such real estate is located, and which has been authorized, under the laws of Massachusetts, to assess taxes upon real estate to the person who is in possession thereof and to assess taxes upon any present interest in real estate to the owner of such interest, in accordance with the following schedule: For the calendar year in which the real estate is acquired in fee simple absolute, an amount which bears the same proportion to the full amount of tax assessed thereon in such year as the number of days remaining in such year after the date of acquisition bears to the number three hundred and sixty-five. In any case where an amount in excess of the difference between such proportionate amount and such full amount has already been paid to the town by or on behalf of the owner or owners from whom the real estate was so acquired, payment of such excess amount shall be made as reimbursement to such owner or owners out of such proportionate amount and only the balance remaining of such proportionate amount shall be paid to the town. For the two succeeding calendar years there shall be paid on account of such real estate an amount equal to the full amount of tax assessed thereon in the year of acquisition.

(b) No payments in lieu of taxes shall be made on account of real estate and improvements thereon in which the Secretary has ever acquired less than a fee simple absolute under this Act.

(c) As soon as practicable after real estate taxes have been assessed by such towns in each calendar year, the Secretary shall compute and certify the amount of payments in lieu of taxes due to each of such towns, and such amounts shall be paid to the respective towns by the Secretary of the Treasury out of money in the Treasury not otherwise appropriated.

(d) The provisions of this section shall not apply to any property acquired by the Secretary after December 31 of the twenty-fifth year following the date of enactment of this Act.

SEC. 8. (a) Except as otherwise provided in this Act, the property acquired by the Secretary under this Act shall be administered by the Secretary, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535); as amended and supplemented, and in accordance with laws of general application relating to the national park system as defined by the Act of August 8, 1953 (67 Stat. 496); except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

(b) (1) The Secretary shall develop for appropriate public uses such portions of Cape Cod National Seashore Park as he deems especially adaptable for such uses, including camping, swimming, boating, sailing, hunting, fishing, the appreciation of historic sites and structures and natural features of Caps Cod, and other recreational activities of similar nature. The Secretary may also provide for the public enjoyment and understanding of the unique natural, historic, and scientific features of Cape Cod by establishing such trails, observation points, and exhibits and providing such services as he may deem desirable for the purpose. Except for such public use areas and except for improved property therein, the park shall be permanently reserved as a primitive wilderness and no development of the park or plan for the convenience of visitors shall be undertaken by the Secretary which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in the area described in section 1 of this Act or with the preservation of such historic sites and structures as he may designate.

(2) In developing the park the Secretary shall provide public use areas in such places and manner as he determines will not diminish for its owners or occupants the value or enjoyment of any improved property located within the park.

(c) Notwithstanding any other provision of this Act, land and waters now or hereafter included in any migratory bird refuge within the boundaries of the park shall continue as such refuge under applicable laws and regulations, but such lands and waters shall be a part of the park and shall be administered by the Secretary for public uses not inconsistent with the purposes of such refuge under such rules and regulations as the Secretary may prescribe. Nothing in this Act shall limit the power of the Secretary to acquire lands and waters for any migratory bird refuge. Notwithstanding any other provision of this Act, Morris and Stags Islands shall be administered as a sanctuary in which the flora and fauna shall be preserved and where camping and other such major activities and developments for the accommodation of visitors shall be prohibited.

(d) The Secretary may permit hunting and fishing, including shellfishing, on lands and waters under his jurisdiction within the park in such areas and under such regulations as he may prescribe. The Secretary shall consult with officials of the Commonwealth of Massachusetts and any political subdivision thereof who have jurisdiction of hunting and fishing, including shellfishing, prior to the issuance of any such regulations, and the Secretary is authorized to enter into cooperative arrangements with such officials regarding such hunting and fishing, including shellfishing, as he may deem desirable, except that the Secretary shall leave the regulation of the taking of shellfish to the towns referred to in section 1 of this Act.

SEC. 9. (a) There is hereby established a Cape Cod National Seashore Park Advisory Commission (hereinafter referred to as the Commission). Said Commission shall terminate ten years after the date the park is established under section 3 of this Act.

(b) The Commission shall be composed of nine members each appointed for a term of two years by the Secretary as follows:

(1) Six members to be appointed from recommendations made by each of the boards of selectmen of the towns referred to in the first section of this Act, one member from the recommendations made by each such board;

(2) Two members to be appointed from recommendations of the Governor of the Commonwealth of Massachusetts; and

(3) One member to be designated by the Secretary.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon vouchers signed by the Chairman.

(e) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(f) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Cape Cod National Seashore Park, and shall consult with the members with respect to carrying out the provisions of sections 4 and 5 of this Act.

(g) No permit for the commercial or industrial use of property located within the park shall be issued by the Secretary without the advice of the Commission, and after its termination, without the advice of the board of selectmen of the town in which such property is located, if such advice is submitted within a reasonable time after it is sought.

SEC. 10. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act; except that no more than $16,000,000 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of this Act.

SEC. 11. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

## URBAN SPRAWL AND OPEN SPACE

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself and the Senator from Pennsylvania [Mr. CLARK], the Senator from Michigan [Mr. HART], and the Senator from Alaska [Mr. BARTLETT], I introduce for appropriate reference a bill to authorize the Administrator of the Housing and Home Finance Agency to assist States and their political subdivisions in preserving open space land in and around urban areas which, for economic, social, conservation, recreational, or esthetic reasons, is essential to the proper long-range development and welfare of the Nation's urban areas and their suburban and rural environs. I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks and that it lie at the table through February 21 so that other Senators who wish to cosponsor the measure may do so.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD and will lie on the desk, as requested by the Senator from New Jersey.

The bill (S. 858) to authorize the Administrator of the Housing and Home Finance Agency to assist States and their political subdivisions in preserving open space land in and around urban areas which, for economic, social, conservation, recreational, or esthetic reasons, is essential to the proper long-range development and welfare of the Nation's urban areas and their suburban and rural environs, introduced by Mr. WILLIAMS of New Jersey (for himself and other Senators), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Open Space and Urban Development Act of 1961."

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

## CAPE COD NATIONAL SEASHORE PARK

Mr. HOLLAND. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 402, S. 857.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 857) to provide for the establishment of Cape Cod National Seashore Park.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Florida.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 8, after the word "the", to strike "park" and insert "seashore"; on page 3, after line 8, to strike out:

thence along the boundaries of the Province Lands Reservation northwesterly to the point where it crosses the southwesterly right of way line of State Route 6A;

thence northwesterly along said southwesterly right of way line of said State Route 6A for approximately 2,400 feet;

thence crossing said State Route 6A, and in a generally northwesterly direction for approximately 4,500 feet to a point approximately 400 feet beyond the southern boundary of the Province Lands extended southwestward from Clapps Pond;

thence northeasterly approximately 7,800 feet to a point on the easterly right of way line of Race Point Road, said point being approximately 900 feet generally north of a corner of the Province Lands Reservation boundary;

thence southeasterly to the easternmost corner of the Province Lands Reservation, being near United States Route 6;

On page 4, after line 3, to insert:

thence along the boundaries of the Province Lands Reservation northwesterly, northeasterly, northerly, and easterly to the easternmost corner of the reservation being

In line 23, after the word "Road", to insert "south"; on page 8, line 25, after the word "point", to strike out "four-tenths" and insert "two-tenths"; on page 11, line 17, after the word "lands", to insert "and waters"; on page 12, after line 8, to insert:

Also included in such area are lands and waters located in the town of Wellfleet and more particularly described as follows:

A parcel of land in Wellfleet bounded westerly by the low water line of Wellfleet Harbor; southerly by the boundary between the towns of Wellfleet and Eastham; westerly again and southerly again by said boundary where it follows Hatch's Creek; easterly by a line running true south to Hatch's Creek from a southerly corner of land shown as owned by Oliver L. Austin and contiguous to land of Joseph M. Dill and Everett S. Osterbank, on plan of land in Wellfleet by Arthur L. Sparrow, engineer, September 1931, filed in the Massachusetts Land Registration Office, August 25, 1933, about 300 feet; southeasterly by said Osterbank land shown on said plan, 818.35 feet; southerly by said Osterbank land, about 1,740 feet, and by a town road or way shown on said plan as running from the road crossing at the northeast corner of said Osterbank land easterly to the State highway, about 600 feet; easterly by said State highway, about 4,200 feet; northerly by land shown on said plan as land of Leonard B. Dill, 118.78 feet; westerly by said Dill land 179.59 feet; northerly by said Dill land, 1,273.62 feet; easterly and northerly by a salt creek shown on said plan as "Brook"; northerly and westerly by the water course shown on said plan as "the run"; northerly by a line running from the confluence of the run with Wellfleet Harbor to the low water line of said harbor.

On page 14, line 9, after the word "section", to strike out "10" and insert "9"; on page 15, line 12, after the word "Seashore", to strike out "Park"; in line 16, after the word "the", to strike out "park" and insert "seashore"; on page 16, line 4, after the word "owners", to strike out "of", and in the same line, after the amendment just above stated, to insert "not being a corporation, of a freehold interest in"; on page 18, line 18, after the word "section", to strike out "6" and insert "5"; in line 21, after the word "section", to strike out "6" and insert "5"; on page 19, line 22, after the word "the", where it appears the second time, to strike out "park" and insert "seashore"; on page 20, after line 18, to insert:

(e) Nothing in this section or elsewhere in this Act shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

On page 21, line 20, after the word "the", where it appears the second time, to strike out "park" and insert "seashore"; in line 24, after the word "the", to strike out "park" and insert "seashore"; on page 22, line 7, after the word "the", where it appears the second time, to strike out "park" and insert "seashore"; in line 22, after the word "bylaw", to strike out "but" and insert "or"; on page 23, line 15, after the word "the", to strike out "park" and insert "seashore"; in line 18, after the word "the", to strike out "park" and insert "seashore"; after line 22, to strike out:

SEC. 7. (a) In order to provide compensation for tax losses sustained by the towns referred to in section 1 of this Act as a result of certain acquisitions by the Secretary of privately owned real estate and improvements thereon pursuant to the provisions of this Act, payments in lieu of taxes shall be made to each such town in which such real estate is located, and which has been authorized, under the laws of Massachusetts, to assess taxes upon real estate to the person who is in possession thereof and to assess taxes upon any present interest in real estate to the owner of such interest, in accordance with the following schedule: For the calendar year in which the real estate is acquired in fee simple absolute, an amount which bears the same proportion to the full amount of tax assessed thereon in such year as the number of days remaining in such year after the date of acquisition bears to the number three hundred and sixty-five. In any case where an amount in excess of the difference between such proportionate amount and such full amount has already been paid to the town by or on behalf of the owner or owners from whom the real estate was so acquired, payment of such excess amount shall be made as reimbursement to such owner or owners out of such proportionate amount and only the balance remaining of such proportionate amount shall be paid to the town. For the two succeeding calendar years there shall be paid on account of such real estate an amount equal to the full amount of tax assessed thereon in the year of acquisition.

(b) No payments in lieu of taxes shall be made on account of real estate and improvements thereon in which the Secretary has ever acquired less than a fee simple absolute under this Act.

(c) As soon as practicable after real estate taxes have been assessed by such towns in each calendar year, the Secretary shall compute and certify the amount of payments in lieu of taxes due to each of such towns, and such amounts shall be paid to the respective towns by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated.

(d) The provisions of this section shall not apply to any property acquired by the Secretary after December 31 of the twenty-fifth year following the date of enactment of this Act.

On page 25, at the beginning of line 16, to change the section number from "8" to "7"; on page 26, line 4, after "(1)", to strike out "The Secretary shall develop for appropriate public uses such portions of Cape Cod National Seashore Park as he deems especially adaptable for such uses, including camping, swimming, boating, sailing, hunting, fishing, the appreciation of historic sites and structures and natural features of Cape Cod, and other recreational activities of similar nature. The Secretary may also provide for the public enjoyment and understanding of the unique natural, historic, and scientific features of Cape Cod by establishing such trails, observation points, and exhibits and providing such services as he may deem desirable for the purpose. Except for such public use areas and except for improved property therein, the park shall be permanently reserved as a primitive wilderness and no development of the park or plan for the convenience of visitors shall be undertaken by the Secretary which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing in the area described in section 1 of this Act or with the preservation of such historic sites and structures as he may designate." and insert "In order that the seashore shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing or with the preservation of such historic sites and structures as the Secretary may designate: *Provided*, That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific features of Cape Cod within the park by establishing such trails, observation points, and exhibits and providing such services as he may deem desirable for such public enjoyment and understanding: *Provided further*, That the Secretary may develop for appropriate public uses such portions of the park as he deems especially adaptable for camping, swimming, boating, sailing, hunting, fishing, the appreciation of historic

sites and structures and natural features of Cape Cod, and other activities of similar nature."; on page 27, line 25, after the word "the", to strike out "park" and insert "seashore"; on page 28, line 13, after the word "the", to strike out "park" and insert "seashore"; after line 24, to insert:

(e) The Secretary may enter into cooperative agreements with nonprofit organizations owning and operating property within the seashore for conservation, scientific, or educational purposes, under which such organizations may be permitted to retain and operate all their property within the seashore subject to conditions approved by the Secretary as insuring that such operations will be consistent with and will promote the purposes of this Act.

On page 29, at the beginning of line 7, to change the section number from "9" to "8"; in line 8, after the word "Seashore", to strike out "Park"; in line 10, after the word "the", where it appears the second time, to strike out "park" and insert "seashore"; in line 12, after the word "of", to strike out "nine" and insert "ten"; after line 19, to insert:

(2) One member to be appointed from recommendations of the county commissioners of Barnstable County, Commonwealth of Massachusetts;

At the beginning of line 23, to strike out "(2)" and insert "(3)"; on page 30, at the beginning of line 1, to strike out "(3)" and insert "(4)"; in line 18, after the word "Seashore", to strike out "Park"; after line 20, to strike out:

(g) No permit for the commercial or industrial use of property located within the park shall be issued by the Secretary without the advice of the Commission, and after its termination, without the advice of the board of selectmen of the town in which such property is located, if such advice is submitted within a reasonable time after it is sought.

And, in lieu thereof, to insert:

(g) No permit for the commercial or industrial use of property located within the park shall be issued by the Secretary, nor shall any public use area for recreational activity be established by the Secretary within the park, without the advice of the Commission, if such advice is submitted within a reasonable time after it is sought.

On page 31, after line 8, to insert:

(h) (1) Any member of the Advisory Commission appointed under this Act shall be exempted, with respect to such appointment, from the operation of sections 281, 283, 284, and 1914 of title 18 of the United States Code and section 190 of the Revised Statutes (5 U.S.C. 99) except as otherwise specified in subsection (2) of this section.

(2) The exemption granted by subsection (1) of this section shall not extend—

(i) to the receipt or payment of salary in connection with the appointee's Government service from any sources other than the private employer of the appointee at the time of his appointment, or,

(ii) during the period of such appointment, and the further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment.

On page 32, at the beginning of line 4, to change the section number from "10" to "9", and at the beginning of line 11, to change the section number from "11" to "10"; so as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the area comprising that portion of the land and waters located in the towns of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham in the Commonwealth of Massachusetts, and described in subsection (b), is designated for establishment as Cape Cod National Seashore Park (hereinafter referred to as "the seashore").

(b) The area referred to in subsection (a) is described as follows:

Beginning at a point in the Atlantic Ocean one-quarter of a mile due west of the mean low-water line of the Atlantic Ocean on Cape Cod at the westernmost extremity of Race Point, Provincetown, Massachusetts;

thence from the point of beginning along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean, Cape Cod Bay, and Provincetown Harbor in generally southerly, easterly, and northerly directions rounding Long Point and then southwesterly to a point a quarter of a mile offshore of the mean low-water line on the harbor side of the dike depicted on the United States Geological Survey Provincetown quadrangle sheet (1949) crossing an arm of the Provincetown Harbor;

thence northerly, along a line a quarter of a mile offshore of and parallel to the low-water line at the dike to a point easterly of the point of intersection of the sand dike with the boundary of the Province Lands Reservation as depicted on the said Provincetown quadrangle sheet;

thence westerly to the said point of intersection of the dike and the Province Lands Reservation boundary;

thence along the boundaries of the Province Lands Reservation northwesterly, northeasterly, northerly, and easterly to the easternmost corner of the reservation being near United States Route 6;

thence leaving the said easternmost corner along an extension of the southerly reservation boundary line easterly to the northerly right-of-way line of United States Route 6;

thence along the northerly right-of-way line of United States Route 6 in a generally easterly direction crossing the Truro-Provincetown town line to and continuing in the town of Truro to a point four-tenths of a mile southeasterly of Highland Road;

thence leaving the northerly right-of-way line of United States Route 6 and runing due east two-tenths of a mile;

thence turning and running in a southeasterly direction paralleling the general alinement of United States Route 6 and generally distant therefrom two-tenths of a mile crossing Pamet Road south and continuing to a point three-tenths of a mile southerly thereof;

thence westerly to Mill Pond Road and crossing it and continuing along the southern right-of-way line of said road to its intersection with Old County Road;

thence following the easterly right-of-way line of Old County Road southward to a point opposite the southerly right-of-way line of Ryder Beach Road at its intersection with Old County Road;

thence eastward to a point 300 feet east of the easterly right-of-way line of said Old County Road;

thence in a southerly direction paralleling Old County Road at a distance of 300 feet to the east of the easterly right-of-way line of said road to a point 600 feet south of the southerly right-of-way line of Prince Valley Road;

thence in a generally westerly direction, crossing Old County Road and the New York, New Haven and Hartford Railroad right-of-way to the southern extremity of the Town Landing and Beach in the Ryder Beach area, and continuing to a point in Cape Cod Bay a quarter of a mile offshore from the mean low-water line at said extremity of the Town Landing and Beach;

thence turning and running along a line a quarter of a mile offshore of and parallel to the mean low-water line of Cape Cod Bay in a general southerly and easterly direction rounding Jeremy Point and thence in a general northerly direction along a line a quarter of a mile offshore of and parallel to the mean low-water line on the westerly side of Wellfleet Harbor to a point one quarter of a mile due north of the mean low-water line at the eastern tip of Great Island as depicted on the United States Geological Survey Wellfleet quadrangle sheet (1958);

thence north to the mean high-water line on the north shore of the Herring River estuary in the vicinity of its confluence with Wellfleet Harbor;

thence following the mean high-water line southwesterly, northwesterly, and northeasterly to the easterly right-of-way line of Chequesset Neck Road at its crossing of Herring River;

thence following the course of Herring River along the 20-foot contour line of the southeasterly shore thereof to a point near Mill Creek;

thence crossing Mill Creek in a northeasterly direction to the 20-foot contour level near to and northeast of the confluence of Mill Creek and Herring River;

thence following generally northerly and easterly along the easterly edge of the Herring River marshes on the 20-foot contour to a point north of which the easterly right-of-way line of a medium duty road, as depicted on said Wellfleet quadrangle sheet, crosses northward across a marshy stream near the juncture of said medium duty road with Bound Brook Island Road;

thence crossing said marshy stream along said easterly right-of-way line of said medium duty road, and continuing in a northerly direction to the 20-foot contour level on the north side of said marshy stream;

thence following the 20-foot contour line westward approximately 1,000 feet to its intersection with an unimproved dirt road, as depicted on said Wellfleet quadrangle sheet, leading from a point near the juncture of Bound Brook Island Road and the said medium duty road;

thence following said unimproved dirt road northwesterly for approximately 1,600 feet to the 20-foot contour line bordering the southerly edge of the Herring River marshes;

thence following said 20-foot contour line in an easterly direction to Route 6;

thence crossing Route 6 and continuing to a point on the easterly right-of-way line of a power transmission line as depicted on the said Wellfleet quadrangle sheet;

thence in a general southerly direction along the said easterly right-of-way line of a power transmission line to the Eastham-Wellfleet town line;

thence southeasterly for a distance of approximately 5,200 feet to a point due north of the intersection of the easterly right-of-way line of Nauset Road with the northerly right-of-way line of Cable Road;

thence due south to the intersection of the said easterly right-of-way line of Nauset Road and the said northerly right-of-way line of Cable Road;

thence in a general southerly direction crossing Cable Road and along said easterly right-of-way line of Nauset Road to a point 500 feet north of the northerly right-of-way line of Doane Road and its intersection with Nauset Road;

thence west to a point 500 feet west of the westerly right-of-way line of Nauset Road;

thence southerly and westerly 500 feet from and parallel to the said right-of-way line of

Nauset Road to the easterly right-of-way line of Salt Pond Road;

thence southerly along the easterly right-of-way line of said Salt Pond Road to its intersection with the southerly right-of-way line of Nauset Road;

thence westerly along the southerly right-of-way line of Nauset Road to its intersection with the easterly right-of-way line of United States Route 6;

thence southerly along the easterly right-of-way line of United States Route 6 to a point two-tenths of a mile southerly of the intersection of Locust Road and United States Route 6;

thence easterly to a point one-tenth of a mile from United States Route 6;

thence turning and running in a generally southerly direction paralleling the general alinement of United States Route 6 and generally distant therefrom one-tenth of a mile to a small stream approximately one-tenth of a mile beyond Governor Prence Road extended;

thence southeasterly along the stream and continuing to the Orleans-Eastham town line;

thence along the Orleans-Eastham town line to the southerly tip of Stony Island;

thence generally southerly in the town of Orleans to the easterly edge of the Nauset Harbor Channel as depicted on the United States Geological Survey Orleans quadrangle sheet (1946);

thence in a generally southerly direction along the said easterly edge of the Nauset Harbor Channel to a point due south of the southwesterly tip of Nauset Beach on the north side of the entrance to Nauset Harbor from the Atlantic Ocean as depicted on the said Orleans quadrangle sheet;

thence due south to the twenty-foot contour in Nauset Heights as delineated on the said Orleans quadrangle sheet;

thence generally southerly along the said 20-foot contour to a point about one-tenth of a mile northerly of Beach Road;

thence southwesterly along a line intersecting Beach Road at a point two-tenths of a mile eastcrly of the so-called Nauset Road leading northerly to Nauset Heights;

thence southerly to the head of a tributary to Little Pleasant Bay at the northerly tip of Pochet Neck as depicted on the said Orleans quadrangle sheet;

thence generally southerly along the thread of channel of the said tributary passing westerly and southwesterly around Pochet Island and thence southwesterly into Little Pleasant Bay passing to westerly of the northerly tip of Sampson Island, the westerly tip of Money Head, and the southwesterly tip of Hog Island following in general the centerline of Little Pleasant Bay to Pleasant Bay;

thence generally southeasterly in Pleasant Bay along a line passing midway between Sipson Island and Nauset Beach to a point on the Chatham-Orleans town line one-quarter of a mile westerly of the mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach;

thence generally southerly in Pleasant Bay in the town of Chatham along a line a quarter of a mile offshore of and parallel to the said mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach to a point a quarter of a mile south of the mean low-water line of the southern tip of Nauset Beach;

thence easterly rounding the southern tip of Nauset Beach along a line a quarter of a mile offshore of and parallel thereto;

thence generally northerly and northwesterly, and westerly along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean on the easterly shore of Nauset Beach and on to the outer cape to the point of beginning.

Also included in such area are lands and waters located in the town of Chatham and more particularly described as follows:

Beginning at a point on the northwesterly corner of the boundary of Monomoy National Wildlife Refuge at the mean low-water line on the western shore of Morris Island;

thence generally southerly, westerly, southerly, easterly, and northerly along the exterior boundary line of said Monomoy National Wildlife Refuge to a point on the northeasterly corner of said refuge located on the mean low-water line on the eastern shore of Morris Island;

thence northerly, westerly, and southerly along the mean low-water line of Morris Island and Stage Island to the point of beginning.

Also included in such area are lands and waters located in the town of Wellfleet and more particularly described as follows:

A parcel of land in Wellfleet bounded westerly by the low water line of Wellficet Harbor; southerly by the boundary between the towns of Wellflect and Eastham; westerly again and southerly again by said boundary where it follows Hatch's Creek; easterly by a line running true south to Hatch's Creek from a southerly cornor of land shown as owned by Oliver L. Austin and contiguous to land of Joseph M. Dill and Everett S. Osterbank, on plan of land in Wellfleet by Arthur L. Sparrow, engineer, September 1931, filed in the Massachusetts Land Registration Office, August 25, 1933, about 300 feet; southeasterly by said Osterbank land shown on said plan, 816.35 feet; southerly by said Osterbank land, about 1,740 feet, and by a town road or way shown on said plan as running from the road crossing at the northeast corner of said Osterbank land easterly to the State highway, about 600 feet; easterly by said State highway, about 4,200 feet; northerly by land shown on said plan as land of Leonard B. Dill, 118.78 feet; westerly by said Dill land 179.59 feet; northerly by said Dill land, 1,273.62 feet; easterly and northerly by a salt creek shown on said plan as "Brook"; northerly and westerly by the water course shown on said plan as "the run"; northerly by a line running from the confluence of the run with Wellfleet Harbor to the low water line of said harbor.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as "Secretary") is authorized to acquire by purchase, gift, condemnation, transfer from any Federal agency, exchange, or otherwise, the land, waters, and other property, and improvements thereon and any interest therein, within the area which is described in section 1 of this Act or which lies within the boundaries of the park as described pursuant to section 3 of this Act (both together hereinafter in this Act referred to as "such area"). Any property, or interest therein, owned by the Commonwealth of Massachusetts, by any of the towns referred to in section 1 of this Act or by any other political subdivision of said Commonwealth may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

(b) In exercising his authority to acquire property in accordance with the provisions of subsection (a) of this section, the Secretary shall have authority to incur obligations and enter into contracts involving the expenditure of funds authorized by section 9 of this Act for the acquisition of property and his action in doing so shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated.

(c) The Secretary is authorized (1) to use donated and appropriated funds in making acquisitions under this Act, and (2) to pay therefor not more than the fair market value of any acquisitions which he makes by purchase under this Act.

(d) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdicton of the Secretary within such area. The properties so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

(e) As used in this Act the term "fair market value" shall mean the fair market value as determined by the Secretary, who may in his discretion base his determination on an independent appraisal obtained by him.

SEC. 3. (a) As soon as practicable after the date of enactment of this Act and following the acquisition by the Secretary of an acreage in the area described in section 1 of this Act that is in the opinion of the Secretary efficiently administrable to carry out the purposes of this Act, the Secretary shall establish Cape Cod National Seashore by the publication of notice thereof in the Federal Register.

(b) Such notice referred to in subsection (a) of this section shall contain a detailed description of the boundaries of the seashore which shall encompass an area as nearly as practicable identical to the area described in section 1 of this Act. The Secretary shall forthwith after the date of publication of such notice in the Federal Register (1) send a copy of such notice, together with a map showing such boundaries, by registered or certified mail to the Governor of the Commonwealth of Massachusetts and to the board of selectmen of each of the towns referred to in section 1 of this Act; (2) cause a copy of such notice and map to be published in one or more newspapers which circulate in each of such towns; and (3) cause a certified copy of such notice, a copy of such map, and a copy of this Act to be recorded at the registry of deeds for Barnstable County, Massachusetts.

SEC. 4. (a)(1) The beneficial owner or owners, not being a corporation, of a freehold interest in improved property which the Secretary acquires by condemnation may elect, as a condition to such acquisition, to retain the right of use and occupancy of the said property for noncommercial residential purposes for a term of twenty-five years, or for such lesser time as the said owner or owners may elect at the time of such acquisition.

(2) The beneficial owner or owners, not being a corporation, of a freehold estate in improved property which property the Secretary acquires by condemnation, who held, on September 1, 1959, with respect to such property, an estate of the same nature and quality, may elect, as an alternative and not in addition to whatever right of election he or they might have under paragraph (1) of this subsection, to retain the right of use and occupancy of the said property for noncommercial residential purposes (i) for a term limited by the nature and quality of his or their said estate, if his or their said estate is a life estate or an estate pur auter vie, or (ii) for a term ending at the death of such owner or owners, or at the death of the survivor of them, if his or their said estate is an estate of fee simple.

(3) Where such property is held by a natural person or persons for his or their own life or lives or for the life or lives of another

or others (such person or persons being hereinafter called "the life tenant"), with remainder in another or others, any right of election provided for in paragraph (2) of this subsection shall be exercised by the life tenant, and any right of election provided for in paragraph (1) of this subsection shall be exercised by the concurrence of the life tenant and the remainderman or remaindermen.

(4) The beneficial owner or owners of a term of years in improved property which the Secretary acquires by condemnation may elect, as a condition to such acquisition, to retain the right of use and occupancy of the said property for noncommercial residential purposes for a term not to exceed the remainder of his or their said term of years, or a term of twenty-five years, whichever shall be the lesser. The owner or owners of the freehold estate or estates in such property may, subject to the right provided for in the preceding sentence, exercise such right or rights of election as remain to them under paragraphs (1) and (2) of this subsection.

(5) No right of election accorded by paragraphs (1), (2), or (4) of this subsection shall be exercised to impair substantially the interests of holders of encumbrances, liens, assessments, or other charges upon or against the property.

(6) Any right or rights of use and occupancy retained pursuant to paragraphs (1), (2), and (4) of this subsection shall be held to run with the land, and may be freely transferred and assigned.

(7) In any case where a right of use and occupancy for life or for a fixed term of years is retained as provided in paragraph (1), (2), or (4) of this subsection, the compensation paid by the Secretary for the property shall not exceed the fair market value of the property on the date of its acquisition by the Secretary, less the fair market value on such date of the said right retained.

(8) The Secretary shall have authority to terminate any right of use and occupancy of property, retained as provided in paragraph (1), (2), or (4) of this subsection, at any time after the date when any use occurs with respect to such property which fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in regulations issued pursuant to section 5 of this Act and in effect on said date: *Provided*, That no use which is in conformity with the provisions of a zoning bylaw approved in accordance with said section 5 which is in force and applicable to such property shall be held to fail to conform or be opposed to or inconsistent with any such standard. In the event that the Secretary exercises the authority conferred by this paragraph, he shall pay to the owner of the right so terminated an amount equal to the fair market value of the portion of said right which remained on the date of termination.

(b)(1) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all improved property located within such area in all of the towns referred to in section 1 of this Act for one year following the date of its enactment.

(2) Thereafter such authority shall be suspended with respect to all improved property located within such area in any of such towns during all times when such town shall have in force and applicable to such property a duly adopted, valid zoning bylaw approved by the Secretary in accordance with the provisions of section 5 of this Act.

(c) The Secretary's authority to acquire property by condemnation shall be suspended with respect to any particular property which is used for commercial or industrial purposes during any periods when such use is permitted by the Secretary and during the pendency of the first application for such permission made to the Secretary after the date of enactment of this Act provided such application is made not later than the date of establishment of the seashore.

(d) The term "improved property," wherever used in this Act, shall mean a detached, one-family dwelling the construction of which was begun before September 1, 1959 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated. The amount of the land so designated shall in every case be at least three acres in area, or all of such lesser amount as may be held in the same ownership as the dwelling, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: *Provided, however*, That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters as the Secretary may deem necessary for public access thereto.

(e) Nothing in this section or elsewhere in this Act shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

SEC. 5. (a) As soon after the enactment of this Act as may be practicable, the Secretary shall issue regulations specifying standards for approval by him of zoning bylaws for purposes of section 4 of this Act. The Secretary may issue amendment regulations specifying standards for approval by him of zoning bylaws whenever he shall consider such amended regulations to be desirable due to changed or unforeseen conditions. The Secretary shall approve any zoning bylaw and any amendment to any approved zoning bylaw submitted to him which conforms to the standards contained in the regulations in effect at the time of the adoption by the town of such bylaw or such amendment. Such approval shall not be withdrawn or revoked, nor shall its effect be altered for purposes of section 4 of this Act by issuance of any such amended regulations after the date of such approval, so long as such bylaw or such amendment remains in effect as approved.

(b) The standards specified in such regulations and amended regulations for approval of any zoning bylaw or zoning bylaw amendment shall contribute to the effect of (1) prohibiting the commercial and industrial use, other than any commercial or industrial use which is permitted by the Secretary, of all property within the boundaries of the seashore which is situated within the town adopting such bylaw; and (2) promoting the preservation and development, in accordance with the purposes of this Act, of the area comprising the seashore, by means of acreage, frontage, and setback requirements and other provisions which may be required by such regulations to be included in a zoning bylaw consistent with the laws of Massachusetts.

(c) No zoning bylaw or amendment of a zoning bylaw shall be approved by the Secretary which (1) contains any provision which he may consider adverse to the preservation and development, in accordance with the purposes of this Act, of the area comprising the seashore, or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under and any exception made to the application of such bylaw or amendment.

(d) If any improved property with respect to which the Secretary's authority to acquire by condemnation has been suspended by reason of the adoption and approval, in accordance with the foregoing provisions of this section, of a zoning bylaw applicable to such property (hereinafter referred to as "such bylaw")—

(1) is made the subject of a variance under or an exception to such bylaw, which variance or exception fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in the regulations issued pursuant to this section and in effect at the time of the passage of such bylaw (or if such bylaw has been amended at the time of the passage of the most recent amendment), or

(2) upon or with respect to which there occurs any use, commencing after the date of the publication by the Secretary of such regulations, which fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in such regulations (but no use which is in conformity with the provisions of such bylaw shall be held to fail to conform or be opposed to or inconsistent with any such standard),

the Secretary may, at any time and in his discretion, terminate the suspension of his authority to acquire such improved property by condemnation: *Provided, however*, That the Secretary may agree with the owner or owners of such property to refrain from the exercise of the said authority during such time and upon such terms and conditions as the Secretary may deem to be in the best interests of the development and preservation of the seashore.

SEC. 6. The Secretary shall furnish to any interested person requesting the same, a certificate indicating, with respect to any property located within the seashore as to which the Secretary's authority to acquire such property by condemnation has been suspended in accordance with the provisions of this Act, that such authority has been so suspended and the reasons therefor.

SEC. 7. (a) Except as otherwise provided in this Act, the property acquired by the Secretary under this Act shall be administered by the Secretary, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535); as amended and supplemented, and in accordance with laws of general application relating to the national park system as defined by the Act of August 8, 1953 (67 Stat. 496); except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

(b)(1) In order that the seashore shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing or with the preservation of such historic sites and structures as the Secretary may designate: *Provided*, That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific features of Cape Cod within the park by establishing such trails, observation points, and exhibits and providing such services as he may deem desirable for such public enjoyment and understanding: *Provided further*, That the Secretary may develop for appropriate public uses such portions of the park as he deems especially adaptable for camping, swimming, boating, sailing, hunting, fishing, the appreciation of historic sites and structures and natural

features of Cape Cod, and other activities of similar nature.

(2) In developing the park the Secretary shall provide public use areas in such places and manner as he determines will not diminish for its owners or occupants the value or enjoyment of any improved property located within the park.

(c) Notwithstanding any other provision of this Act, land and waters now or hereafter included in any migratory bird refuge within the boundaries of the park shall continue as such refuge under applicable laws and regulations, but such lands and water shall be a part of the seashore and shall be administered by the Secretary for public uses not inconsistent with the purposes of such refuge under such rules and regulations as the Secretary may prescribe. Nothing in this Act shall limit the power of the Secretary to acquire lands and waters for any migratory bird refuge. Notwithstanding any other provision of this Act, Morris and Stage Islands shall be administered as a sanctuary in which the flora and fauna shall be preserved and where camping and other such major activities and developments for the accommodation of visitors shall be prohibited.

(d) The Secretary may permit hunting and fishing, including shellfishing, on lands and waters under his jurisdiction within the seashore in such areas and under such regulations as he may prescribe. The Secretary shall consult with officials of the Commonwealth of Massachusetts and any political subdivision thereof who have jurisdiction of hunting and fishing, including shellfishing, prior to the issuance of any such regulations, and the Secretary is authorized to enter into cooperative arrangements with such officials regarding such hunting and fishing, including shellfishing, as he may deem desirable, except that the Secretary shall leave the regulation of the taking of shellfish to the towns referred to in section 1 of this Act.

(e) The Secretary may enter into cooperative agreements with nonprofit organizations owning and operating property within the seashore for conservation, scientific, or educational purposes, under which such organizations may be permitted to retain and operate all their property within the seashore subject to conditions approved by the Secretary as insuring that such operations will be consistent with and will promote the purposes of this Act.

SEC. 8. (a) There is hereby established a Cape Cod National Seashore Advisory Commission (hereinafter referred to as the Commission). Said Commission shall terminate ten years after the date the seashore is established under section 3 of this Act.

(b) The Commission shall be composed of ten members each appointed for a term of two years by the Secretary as follows:

(1) Six members to be appointed from recommendations made by each of the boards of selectmen of the towns referred to in the first section of this Act, one member from the recommendations made by each such board;

(2)) One member to be appointed from recommendations of the county commissioners of Barnstable County, Commonwealth of Massachusetts;

(3) Two members to be appointed from recommendations of the Governor of the Commonwealth of Massachusetts; and

(4) One member to be designated by the Secretary.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon vouchers signed by the Chairman.

(c) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(f) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Cape Cod National Seashore, and shall consult with the members with respect to carrying out the provisions of sections 4 and 5 of this Act.

(g) No permit for the commercial or industrial use of property located within the park shall be issued by the Secretary, nor shall any public use area for recreational activity be established by the Secretary within the park, without the advice of the Commission, if such advice is submitted within a reasonable time after it is sought.

(h)(1) Any member of the Advisory Commission appointed under this Act shall be exempted, with respect to such appointment, from the operation of sections 281, 283, 284, and 1914 of title 18 of the United States Code and section 190 of the Revised Statutes (5 U.S.C. 99) except as otherwise specified in subsection (2) of this section.

(2) The exemption granted by subsection (1) of this section shall not extend—

(i) to the receipt or payment of salary in connection with the appointee's Government service from any sources other than the private employer of the appointee at the time of his appointment, or,

(ii) during the period of such appointment, and the further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment.

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act; except that no more than $16,000,000 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of this Act.

SEC. 10. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

Mr. HOLLAND. Mr. President, I was asked by the leadership on both sides to make certain that the two Senators from Massachusetts were present when the bill was taken up. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, the pending measure provides for the establishment on Cape Cod of a unit of the national park system. The bill was first introduced in the Senate on May 24, 1956, by the senior Senator from Massachusetts [Mr. SALTONSTALL] and the then junior Senator from that State, Mr. Kennedy. Proposed legislation designed to accomplish the same objective was subsequently introduced by the same Senators in the 85th and in the 86th Congresses.

The pending bill is S. 857. It authorizes the establishment of the Cape Cod National Seashore, and has been introduced by both the Senators from Massachusetts [Mr. SALTONSTALL and Mr. SMITH].

This proposal has received a great deal of attention by the Committee on Interior and Insular Affairs and its Subcommittee on Public Lands. As chairman of the subcommittee, I can assure the Members of the Senate that every aspect of this bill was studied and restudied. Hearings were conducted in Eastham, Mass., on December 9 and 10, 1959, after which a thorough on-the-spot investigation of the Cape Cod area was undertaken by the junior Senator from Utah [Mr. Moss] and by the Interior Committee's staff.

I am delighted to see with us here, during the deliberations on this bill, the distinguished junior Senator from Utah [Mr. Moss]. His work in this particular field and on this particular bill has been very, very helpful in evolving a final end product. Additional hearings were held in Washington, D.C., on June 21, 1960, and on March 9 of this year. Another field investigation was made by the distinguished senior Senator from Colorado [Mr. ALLOTT], who also is on the floor at this time, the Senator from Hawaii [Mr. LONG], and myself.

Mr. President, in my considered judgment, the pending bill represents a most thoroughly considered work product of our committee.

The bill was reported unanimously, I may say, by both the subcommittee and the full committee.

I feel quite sure that all Members of this body are aware of the fact that the American public is taking to the outdoors in tremendously increasing numbers, each year, to satisfy its recreational needs. Our National Park Service is presently engaged in a 10-year program designed to improve and enlarge the areas within its jurisdiction that must serve the need of these American citizens. Our national parks, as well as the State parks, are sorely pressed in attempting to care for the millions of Americans who each year seek opportunities to camp outdoors, to fish, to sunbathe, or to enjoy the incomparable scenery that our Nation affords. There can be no question about the obligation of the States and the Federal Government to preserve and improve the resources that satisfy the public's desire to utilize and enjoy outdoor recreational facilities.

In recent years, surveys have been conducted by the National Park Service of the shoreline areas in our country—both inland and coastal—that represent potential recreational resources. Separate legislation now pending before the Committee on Interior and Insular Affairs provides for more detailed study of the areas recommended in that report.

That proposed legislation also provides for Federal participation in the cost of acquiring shoreline areas in private ownership that could serve a recognized

public recreational need. The proposed legislation now before the Senate would implement one very important recommendation that has come from the surveys previously mentioned; namely, the development of the Cape Cod National Seashore.

The importance of Cape Cod as a recreational area was described in a 1955 Park Service report in this language:

> There is no longer any comparable area in the New England region that exhibits all the outstanding values desirable and suitable for extensive seashore recreation. For these reasons alone, the great beach area of Cape Cod merits preservation as a major public seashore of the North Atlantic coast.

The pending bill, S. 857, would preserve the great beach area of Cape Cod, as well as contiguous lands suitable and desirable for recreational purposes.

It is of tremendous importance that the Federal Government participate in the preservation of shoreline areas that lend themselves to development for recreational purposes. In the last 15 years there has been a great impetus to buy seashore property for commercial and private uses. Extensive and costly developments now line mile after mile of seashore which before World War II was uninhabited. The need for preservation is particularly urgent in the New England area. As was pointed out in a Yale University City Planning Survey, the entire 600-mile area of the eastern seaboard from Portland, Maine, to Norfolk, Va., can be designated as a single linear city.

In the area at Cape Cod is one of the few remaining areas which can properly be placed in the highest use of a national seashore. Cape Hatteras is the forerunner of a national seashore park on the Atlantic coast. I believe there is another national park on the Atlantic coast in Maine.

At Cape Cod, and within the boundaries of the national seashore proposed for development by S. 857, are now 40 miles of beach facing on the Atlantic Ocean, Cape Cod Bay, and Nantucket Sound. As is pointed out in the committee's report—and I believe this is highly significant—the real importance of the relationship of Cape Cod to its surrounding population is that nearly one-third of the people of our Nation live within a day's drive of the area. The cape is located adjacent to a regional area of the highest population density and the largest concentration of people in the United States.

I have previously stated that, in my judgment, it is of the utmost importance that the Federal Government get on with the task of providing the recreational facilities that are required by public necessity.

Mr. President, I believe I should point out that the land acquisition contemplated under this bill will cost approximately $16 million. As a matter of fact, the bill contains specific language that is the ceiling in connection with land acquisition at Cape Cod. That is very clearly and positively set forth in section 9 of the pending bill.

Other proposals for the establishment of national seashores are now before our committee. One involves land in the State of California, for the proposed Point Reyes National Seashore. Another relates to the coast of the Gulf of Mexico, just off Corpus Christi, Tex., for the Padre Island National Seashore. These other bills are of similar import and similar urgency if we are to preserve for the people of today, and also those of tomorrow, seashores on the east coast, the west coast, and the gulf coast.

The pending bill is somewhat unique in that it provides for the establishment of the first national seashore proposed for inclusion in the national park system. This measure is also unique in that it is the first attempt to develop a unit of the national park system in an area which is highly urbanized, by comparison with other areas of the country in which substantial acreage has been set aside for national park purposes. Great care has been taken in the bill to provide for the continued ownership and use of the rather substantial number of private homes which exist on Cape Cod within the suggested boundaries of this national seashore. The report delineates in detail, on page 10, the homes which are located within the proposed boundaries of the Cape Cod National Seashore. So long as the homes in private ownership are maintained in accordance with zoning provisions adopted by the affected towns that conform to standards established by the Secretary of the Interior, the Secretary's authority to condemn such private property will be suspended.

S. 857 represents many, many months of effort by its sponsors to develop legislative language satisfactory to the overwhelming number of inhabitants of Cape Cod; and I wish to compliment each of them for their efforts in this field in composing the differences which naturally would arise in trying to establish the boundaries of an area such as this one. I feel that this language is satisfactory to a great number of the inhabitants of Cape Cod. I am satisfied the bill has the support of those citizens of the lower cape who have familiarized themselves with its provisions.

I am likewise aware that, in all such problems as this, there are those in that particular area who are not particularly satisfied with the boundaries presently contained in the bill before the Senate. We had many, many meetings, designed to try to iron out the differences in feelings of residents in various towns along the Cape and the sponsors of this legislation. I feel that a reasonably good job has been done of reconciling the differences.

Requests were made of the committee by representatives of certain towns to alter boundaries in a fashion that would leave to those towns certain tracts of land desirable for future residential development.

The bill presently before the Senate represents a compromise on the question of boundaries. Predecessor legislation had provided for an even greater acreage of seashore than is allowed for possible future growth of towns along the cape. The concession made in the bill setting definitive boundaries I think presents a much better method of working out the boundary disputes.

I may point out that no property in public ownership may be acquired by the Federal Government on Cape Cod for seashore purposes without the consent of the State or the towns holding title to such land.

It has been a great personal pleasure for me to have participated in the consideration of the legislation. I am greatly enthusiastic about the area. It is one of the really grand sites of the Nation. Those who have not visited it certainly should do so. I am convinced that the American public will share my enthusiasm when the Cape Cod National Seashore has become a reality.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. BIBLE. I am delighted to yield to the distinguished Senator from Massachusetts.

Mr. SALTONSTALL. First, I want to congratulate the distinguished senior Senator from Nevada [Mr. BIBLE], who has taken such an interest in this project, located on the Atlantic coast, and the distinguished Senator from Utah [Mr. Moss], who personally came to Cape Cod and held hearings up there that were very helpful, and the distinguished Senator from Colorado [Mr. ALLOTT], on this side of the aisle, who also came up to Massachusetts and looked the area over for himself. When we think that these are three westerners who came to New England to look over the areas, we are very much encouraged. The junior Senator from Massachusetts [Mr. SMITH], who introduced the bill with me, went along.

The bill which is before the Senate was introduced in its original form by Senator Kennedy and myself, along with a companion bill in the House introduced by Congressman HASTINGS KEITH, on September 3, 1959. Five years of study by the National Park Service preceded our action. All told, one proposal or another concerning the establishment of a Federal park on Cape Cod, Mass., has been under consideration for over 20 years.

During this period, substantial development on the lower cape naturally has taken place, and the lands recommended for preservation have been severely cut into. Major commercial inroads have been made in recent months, and the destruction of one of America's most strikingly beautiful natural areas will take place at an increasing rate unless there is Federal action.

The Subcommittee on Public Lands of the Interior and Insular Affairs Committee has held three hearings on the proposal, one on the cape itself, and two here in Washington, and has made an additional trip to inspect the area concerned in April. The bill itself has been revised three times. Both the Eisenhower and the Kennedy administrations have given their strong support to the measure. I am pleased with the bill which the committee has reported out and wish to commend the senior Senator from Nevada, the chairman of the Subcommittee on Public Lands, and the junior Senator from New Mexico, the committee chairman, for their close attention to this project and the fine work they have accomplished.

A century ago, America's great naturalist-philosopher Henry David Thoreau wrote about Cape Cod's great outer beach:

> We went to see the ocean, and that is probably the best place of all our coast to go to. I do not know where there is another beach in the Atlantic States, attached to the mainland, so long, and at the same time so straight, and completely uninterrupted.

S. 857 would preserve this section of shoreline which so enchanted Thoreau for the enjoyment of countless generations to come. It would set aside some 30,367 acres on lower Cape Cod as a national seashore dedicated to the spiritual replenishment of American families increasingly locked in by urbanization and commercialization who seek the refreshing beauty and natural grandeur of the clean, open spaces. Favorable action by Congress on this proposal would give encouragement to other efforts to preserve our rapidly vanishing natural shoreline in such areas as Padre Island, Tex., the Oregon Dunes, and Point Reyes, Calif.

The seashore carefully excludes the centers of the six towns directly involved—Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham. Several boundary retractions have taken place since the proposal released by the Park Service in early 1959. S. 857 excludes over 1,000 acres from the diagram of the park as proposed by the Saltonstall-Kennedy-Keith bill, reflecting requests made by local town officials in testimony presented to the subcommittee. Additional requests for paring down the seashore area have been rejected because it was felt they would seriously interfere with the basic preservation intent of the bill. Park Service experts testified that the original boundaries outlined the minimum area which could be recommended to Congress for a national seashore.

Although there is naturally a broad local difference of opinion on various aspects of the proposal, I am convinced that the majority of lower cape citizens support a Cape Cod National Seashore along the lines set forth by S. 857. An economic impact study prepared for the National Park Service in 1960 by a professional planning firm reported that if existing lower cape growth patterns were allowed to continue without a park, the values which have made the area attractive would be increasingly reduced, and, on the other hand, that the establishment of a national seashore would have "many positive economic effects on the area."

The bill allows homeowners who have been living within the seashore area prior to September 1959, to continue owning and occupying their property as long as they wish, provided the town concerned adopts zoning standards within the park area which are acceptable to the Secretary of the Interior. It is important to note that the towns would continue to collect tax revenue from these homes. Thus the local towns and townspeople of traditional Cape Cod are allowed to continue their lives with minimum disruption or change. The bill recognizes the peculiar characteristics of the lower cape—a section much more settled and further developed than most areas designated to become parks—and attempts in a number of ways to guard local interests and guarantee a healthy economic future, while at the same time preserving its unique scenic and historic features.

Mr. President, I believe this is good legislation, which has been needed for some time, and I urge the Senate to pass it.

I congratulate the Senator from Nevada and the members of his subcommittee who worked so hard on the bill.

Mr. SMITH of Massachusetts. Mr. President, will the Senator yield?

Mr. BIBLE. I yield to the Senator from Massachusetts.

Mr. SMITH of Massachusetts. Passage of the Cape Cod seashore bill today marks an important advance for the people of Cape Cod, of Massachusetts, and of the country.

For the Commonwealth, it means that this historic spot, the first landing place of the Pilgrims, now belongs to the Nation.

For the Nation, and especially the millions of people who live on the east coast, it means that one of the most beautiful areas in their vicinity will be preserved for all times.

For the people of the cape, it will open an unprecedented opportunity for economic growth. Tourism has for many years been the cape's main industry. This seashore will insure its further expansion. It is estimated that within the next few years, $30 million will be spent in capital improvements preparing for the park. This will be a shot in the arm for the economy of the cape.

The bill maintains, for all time, the rights of the citizens of the cape to keep their land and own their homes in the park area, as long as their towns conform to the zoning standards of the Secretary of the Interior. Tentative zoning standards have already been made public, and they are quite modest in their restrictions on use.

I hope that action on this bill will soon be taken in the other body, so that the park can be dedicated shortly.

I wish to thank the members of the Interior and Insular Affairs Committee for the work they did on this bill, and especially the Senator from Nevada [Mr. BIBLE], the Senator from Utah [Mr. MOSS], the Senator from Hawaii [Mr. LONG], and the Senator from Colorado [Mr. ALLOTT], who took the time to visit the cape in April to inspect the boundaries.

I was on that trip. We found, quite naturally, that the choicest land, which could make up the high points of the park, was also the area most desired for commercial development. This means the committee had to choose between the interests of all the people and the interests of a few. I am proud of the way the committee faced up to this choice.

I also wish to pay tribute to my senior colleague from Massachusetts [Mr. SALTONSTALL], who has concerned himself with this legislation for many years. Today marks the success of his efforts and of the hard work of two members of his staff, Mr. David Martin and Mr. Jonathan Moore, who have been closely and helpfully associated with him in this work.

President Kennedy will be very gratified this bill has passed the Senate, since he, along with Mr. Fred Holborn of his staff, were instrumental in its development. Because of the work of these people, and many others, we are helping today to create a park that the American people will appreciate as a bold attempt to preserve the history and beauty of one of the finest sections of our country.

Mr. BIBLE. I thank the Senator from Massachusetts. He has been very helpful. He accompanied us on the visit we made to Cape Cod a short time ago, and he participated actively in the discussions and deliberations we had. His contributions were most helpful to us.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. BIBLE. I am happy to yield to my distinguished colleague from the neighboring State of Utah.

Mr. MOSS. Mr. President, I am happy indeed to join today in speaking in behalf of the Cape Cod National Seashore Park. I congratulate the chairman of the subcommittee, the senior Senator from Nevada [Mr. BIBLE], for the diligent way in which he pushed the hearings and action on this legislation. We worked on this matter to some degree in the last session, but with the coming of the Senator from Nevada [Mr. BIBLE] to the chairmanship of the committee we have had renewed vigor and effort.

Certainly we in America have to concern ourselves with the preservation of the great natural areas of our land. We in the West are acquainted with such preservation, because many of our great national parks are located in the West, but the areas along the seashore have been neglected, and over the years we have seen these areas become crowded, populated, and taken away from the use of the people. Only one national seashore have we set aside to this time.

So we start now with Cape Cod, Mass., which is not only a natural, beautiful seascape and seashore which should be available to all the people, but lies in an area of heavy population, and therefore is all the more needed for recreation. Not only is that area of great historical significance, but it was interesting to visit there and hold hearings in the little New England towns and to see how those people, who are schooled in conducting town hall meetings, could address themselves so vigorously to the question before them, some vigorously supporting the seashore measure, and others with points of objection. These points were threshed out openly, clearly, and vocally by all the people. It was a great experience to hold hearings in the area.

I hope this body will promptly pass the Cape Cod National Seashore Park bill and that the other body will act promptly, so that this year we can add to our great recreational areas of America this historic site which deserves so richly to be established.

Mr. BIBLE. Mr. President, I now yield to the distinguished senior Senator from Colorado, who was very active in

regard to the proposed legislation and who accompanied us on our trip to Cape Cod recently to make the inspection.

Mr. ALLOTT. Mr. President, I rise primarily to congratulate the senior Senator from Nevada, the chairman of the subcommittee, and all the Senators who worked so hard on the Committee on Interior and Insular Affairs in regard to this particular bill.

I rise particularly at this point since reference has been made to my presence on the floor, because my silence might be interpreted as a lukewarmness or a negative attitude toward the bill. On the contrary, I am and have been a very enthusiastic supporter of the bill.

As one who has seen the Cape Hatteras Seashore National Park several times, I believe passage of S. 857 will be a great step forward for an increasing number of people who should have recreational facilities in this country. We all know, of course, the great increase in population is increasing the pressure on our park system constantly and continually.

I congratulate the two Senators from Massachusetts. They have been very patient and very cooperative in trying to work out the bill. Though some slight differences with the House appear, I believe we can resolve those in a conference committee. It is my sincere hope we will proceed to pass the bill.

Mr. BIBLE. Mr. President, I now yield to the distinguished senior Senator from Texas.

Mr. YARBOROUGH. Mr. President, I rise to join in commendation of the Committee on Interior and Insular Affairs for the fine hearings it held on the measure, as well as for the work given to the bill sponsored by the two distinguished Senators from Massachusetts. I shall be happy to see the bill passed by the Senate. I hope the House will concur and that it can be written into law.

Prior to the passage of the Cape Cod National Seashore Park bill, there is only one national seashore recreation area on the entire coastline of the United States, at Cape Hatteras, N.C. From the mouth of the Rio Grande on the south to the easternmost point of Maine, along the gulf and Atlantic coasts, a total distance of 3,700 miles, prior to the passage of S. 857, there are only 265 miles in any kind of public park. Over half of that amount can be found in the Everglades National Park, in Florida; the Cape Hatteras National Seashore recreation area in North Carolina; and the Acadia National Park, in Maine. Because of the rockbound coast of the Acadia National Park in Maine and because the Everglades Park in Florida is on the west coast, where the fresh water marshes merge into the salt water marshes, the Acadia and Everglades Parks have little sandy beach for the people to use to reach the sea where they wish to swim and enjoy themselves. This means only Cape Hatteras is open to the public to give access to the sea, along the whole gulf and Atlantic coasts, in public ownership.

There is another bill before the Congress, S. 4, known as the Padre Island National Seashore bill. The distinguished Senator from Nevada held extensive hearings on that bill. Before that, in the 86th Congress, the distinguished Senator from Utah, now in the Chamber, held very fine hearings on the Padre Island bill.

It is my hope that very shortly after the passage of the Cape Cod National Seashore Park bill the bill to create the Padre Island National Seashore Recreation Area will be passed. These areas are badly needed. The rapid increase in population in America has been pointed out.

I do not believe there has been mention of the fact that these seashore areas are rapidly being used up, and the people are being fenced away by fences running into the ocean. Unless the few available remaining areas come within the public domain soon, the opportunity for public acquisition will be gone forever and the people will be fenced away from their own seas.

Under international law the seas belong to everyone and are owned by all men. The shore, however, is in private ownership. If people are fenced out and cannot reach the ocean, what will it benefit them to have common ownership of the oceans of the world?

I commend the committee. In all the history of our country the only national seashore recreation area established, prior to the passage of the bill for the Cape Cod National Seashore Park, is the one I have mentioned.

In the 1930's under the leadership of former President Roosevelt, a survey was made, and some 13 or 14 available areas were located. Congress did not act, the Government did not act, and some 10 of those areas are now built up for industrial use and are gone forever. They cannot be acquired for recreation areas.

I commend the distinguished chairman of the committee, the senior Senator from Nevada, and other Senators for the great amount of time given to the Cape Cod National Seashore Park bill and to other bills pending before the committee to establish national seashore recreation areas. We should all help the subcommittee and the committee in pushing forward. We may well make this Congress the outstanding recreation Congress, the outstanding conservation Congress—the outstanding Congress for the saving of seashore areas for the people in the whole history of the country.

Mr. BIBLE. Mr. President, I appreciate the comments of the senior Senator from Texas. I am well aware of the Senator's interest in Padre Island. We have completed our hearings in that regard. I hope we can make a visual inspection of the area shortly and that the bill for Padre Island, together with the bill for the Point Reyes National Seashore Area, may move forward without delay. There still are some problems, but I assure the Senator from Texas that we are certainly alert to his ever-present interest in the seashore areas, and we shall move forward as quickly as we can.

Mr. President, there are at the desk a number of committee amendments, I think totaling 21. I move that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER (Mr. HICKEY in the chair). The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

THE FIGHT IS ON TO SAVE SHORE AREAS

Mr. HUMPHREY. Mr. President, in this morning's Washington Post there appears an excellent article on the efforts that are now being made to preserve for the American people at least a small portion of our seashore areas. As Aubrey Graves points out in this article, the dismayingly small remnant of a once-great recreational resource is in peril of being lost forever.

Twenty-six years ago the National Park Service recommended 12 major areas, totaling 437 miles of seashore, for preservation as national areas. To date, Mr. President, only one of these—Hatteras, in North Carolina—has been so established.

To me, this is a national tragedy. Unless we wake up and act promptly to preserve these precious areas for the enjoyment of all Americans—of this generation and future generations—we shall see our seashores declared "off limits" to the vast majority of the people.

I am especially pleased that today we in the Senate have an opportunity to vote in support of preserving to the public our seashores. I refer to S. 857, as authorized by the two distinguished Senators from Massachusetts [Mr. SALTONSTALL and Mr. SMITH] to establish a 40-mile-long Cape Cod National Seashore. I applaud my colleagues from Massachusetts for introducing this bill. I am delighted that the bill is about to be passed by the Senate, and I trust that it will be enacted into law before this session of Congress adjourns.

In conclusion, Mr. President, I ask unanimous consent that the article to which I have referred be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIGHT'S ON TO SAVE SHORE AREAS

(By Aubrey Graves)

Because of a quarter century of legislative inaction, the American public has lost access to a staggering portion of the Nation's seashore.

Vast stretches of the Atlantic, Gulf of Mexico and Pacific coastlines have become what Interior Secretary Stewart L. Udall calls "linear cities." "No trespassing" signs are increasingly in evidence and even the dismayingly small remnant of a once-great recreational resource is in peril of being lost forever.

This has not come about because of lack of planning on the part of those entrusted with the protection of these values. Twenty-six years ago a National Park Service survey revealed plenty of unspoiled seashore. Twelve major areas totaling 437 miles of beach were recommended for preservation as national areas.

Only one of these—Hatteras in North Carolina—has been so established. Cape Cod can still be saved. Most of the others are now irrevocably committed largely to private development.

After a second survey, made in 1955, the park service reported: "Almost every attractive seashore area from Maine to Mexico that is accessible by road has been developed, has been acquired for development purposes, or is being considered for development."

Now, at what appears to be the 11th hour, renewed efforts powerfully supported by Udall are being made to save at least a portion of the remnant for the use of all the people.

Four bills now pending call for the establishment of these four areas as national seashores: Cape Cod in Massachusetts, Padre Island in Texas, Point Reyes in California and the Oregon Dunes. Another bill, repeatedly (and unsuccessfully) sponsored by Senator PAUL DOUGLAS, Democrat, of Illinois, would have set aside 3½ miles of the Indiana Dunes as a national monument.

DOUGLAS has introduced a new bill to set the area up as a national scenic landmark, which could be acquired by the Federal Government and transferred to the State.

Determined efforts are being made to get action on these measures during the current session.

Given the best chance of passage is the bill sponsored by Senators LEVERETT SALTONSTALL, Republican, of Massachusetts, and BENJAMIN A. SMITH II, Democrat, of Massachusetts, to establish 29,000 acres on the outer arm of Cape Cod (about one-eighth of the capes' total area) as a national seashore. A similar House bill was introduced by Representative HASTINGS KEITH, Republican, of Massachusetts.

President Kennedy, who cosponsored a similar bill when he was Senator, strongly supports the project, as does the Massachusetts Legislature.

This legislation has been reported out of the Senate Interior Committee and the House subcommittee has completed hearings on it.

The Interior Department estimated in 1960 that the project would cost $22 million.

Stubborn resistance has been encountered, however, from real estate interests which are still trying to reduce the size of the area which conservationists want to preserve for its beautiful scenery, interesting geology, colorful history, the wealth of its plant and animal life and its tremendous recreational possibilities.

At this point the argument is chiefly over the question of boundaries.

The 30,000 acres which would be set aside is a ribbonlike territory extending 40 miles along the outer coast from Provincetown to the tip of Nauset Beach. Its average width is 1 mile, its maximum width 4 miles in the central section where it extends across U.S. Highway 6 to include a highly significant cross section of the outer cape and a portion of Cape Cod Bay shore.

The finest of the cape's natural attractions are represented in this proposed national seashore, including 8 square miles at Provincetown and Truro, where some of the most spectacular sand dunes along the Atlantic coast are to be found.

At Provincetown this dune zone is backed up by woods, ponds and marshes which constitute an outstanding bird habitat.

Today construction scars can be seen at many places within the proposed area. These are the aftermath of a rash of speculative development which started immediately after the project came under consideration.

"We are in a race," Udall told the Senate Public Lands Subcommittee last March, "between those who would develop the last, best segments of the seashore for industrial and other purposes and those who would preserve these limited areas for the health, inspiration, and enjoyment of the people for all time. You are considering perhaps the last opportunity this Nation will have to save a seashore of national significance north of Cape Hatteras."

The PRESIDING OFFICER. The bill is open for further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 857) was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to provide for the establishment of Cape Cod National Seashore."

The preamble was agreed to.

## MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 352, S. 1154.

The PRESIDING OFFICER (Mr. HICKEY in the chair). The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1154) to provide for the improvement and strengthening of the international relations of the United States by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from South Dakota [Mr. MUNDT] may be permitted to submit amendments to the bill, S. 1154, to be printed and lie at the desk during the recess or adjournment of the Senate, so that he will be prepared to offer the amendments later in the week.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

## MILITARY ADVICE TO PRESIDENT

Mr. GORE. Mr. President, the morning press reports the appointment of Gen. Maxwell D. Taylor to the White House staff as military representative of the President. In my opinion, this is an excellent appointment, and I applaud it.

The announcement of General Taylor's appointment as reported in the New York Times states in part as follows:

As military representative, General Taylor will be staff officer advising and assisting the President with regard to those military matters which reach him as Commander in Chief of the Armed Forces.

In this critical period, the function to be performed by General Taylor is of utmost importance. I am gratified that the President has moved to avail himself of close-hand advice from one of proven competence and sound judgment and who has demonstrated the necessary intellectual independence to speak out forthrightly on matters affecting the national security. The Commander in Chief is thus assuring a careful review.

Mr. President, recently I exchanged letters with the Secretary of Defense in which was discussed the question of responsibility for the military advice given the President in connection with the disastrous Cuban affair. In this letter to me, Secretary McNamara repeated a statement previously made by him at a press conference as follows:

As Secretary of Defense, I am responsible for the operations of the Department and for the actions of all of the military and civilian personnel assigned to the Department. Any errors are my errors—whatever deficiencies are charged to the Department should be charged to me and to no one else.

It is characteristic of the Secretary of Defense to undertake to assume full responsibility for "whatever errors" may have been made in connection with the so-called Cuban invasion. I observe, however, that the Secretary of Defense is not designated by law as principal military adviser to the President. In appropriate statutes, the Secretary is described as the principal assistant to the President in all matters relating to the Department of Defense. But the Joint Chiefs of Staff are specifically designated as "principal military advisers" to the President. Section 141(b) of title 10, United States Code, provides:

The Joint Chiefs of Staff are the principal military advisers to the President, the National Security Council, and the Secretary of Defense.

I ask unanimous consent to have printed in the RECORD at this point in my remarks a copy of a letter which I addressed to the Secretary of Defense under date of June 10, 1961, and a copy of the Secretary's reply thereto under date of June 12, 1961.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*June 10, 1961.*

The Honorable ROBERT S. MCNAMARA,
*Secretary of Defense,*
*Washington, D.C.*

DEAR MR. SECRETARY: In the interest of public understanding, I desire to call to your attention certain apparent inconsistencies in statements by the Secretary of Defense and the Deputy Secretary of Defense, and to request your clarification.

In a press conference by Deputy Secretary Roswell Gilpatric on June 6, the following colloquy occurred:

"Question. Mr. McNamara told us that the Joint Chiefs had participated fully in the discussions prior to the invasion of Cuba by the Cubans, and that he had full confidence in them. He did not tell us whether their advice had in any way or in part been followed, nor has anyone said that except to the Hill committee, I presume. Can you shed any light on this at all?

"Mr. GILPATRIC. I can't shed as much light as I think General Taylor will when he completes his report, because I personally was only in on some of the sessions in which the Chiefs participated, along with Mr. McNamara and other members of the administration.

"I do know that the Chiefs were consulted. In some respects their advice was followed. I couldn't give you a complete rundown on every action.

"Question. Mr. Secretary, this leaves the inference that the Chiefs largely had the blame. Weren't they just told what had already been decided to do?

"Mr. GILPATRIC. No. As for blame, there is enough for everybody. We are all involved."

When you were questioned on the same subject in your own press conference of May 26, you stated:

"First, the Department of Defense was fully represented over a period of weeks in

| | | |
|---|---|---|
| Smith, Va. | Wharton | Wilson, Ind. |
| Tuck | Wickersham | Winstead |
| Udall | Williams | |
| Weis | Wilson, Calif. | |

So (two-thirds having voted in favor thereof) the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Wilson of California and Mr. Fenton for, with Mr. Buckley against.

Mr. Hemphill and Mr. Harrison of Virginia for, with Mr. Anfuso against.

Mr. Hoffman of Michigan and Mr. Kearns for, with Mr. Santangelo against.

Mr. McCulloch and Mr. Devine for, with Mr. Multer against.

Mr. Williams and Mr. Winstead for, with Mr. Brademas against.

Mr. Jennings and Mr. Alger for, with Mr. Fino against.

Mr. Scherer and Mrs. Weis for, with Mr. Ashley against.

Mr. Bass of New Hampshire and Mr. Hoffman of Illinois for, with Mr. Barrett against.

Mr. Collier and Mr. Knox for, with Mr. Dawson against.

Mr. Hoeven and Mr. Cramer for, with Mr. Gilbert against.

Mr. Wharton and Mrs. May for, with Mrs. Granahan against.

Mr. O'Neil and Mr. Roberts for, with Mr. Healey against.

Mr. Rains and Mr. Tuck for, with Mr. Randall against.

Mr. Seldon and Mr. Smith of Virginia for, with Mr. Shelley against.

Mr. Moeller and Mr. Bruce for, with Mr. Sheppard against.

Until further notice:

Mr. Fogarty with Mr. Minshall.
Mr. St. Germain with Mr. Dooley.
Mr. Blatnik with Mr. Pillion.
Mr. Cannon with Mr. Wilson of Indiana.
Mr. Cook with Mr. Halpern.
Mr. Peterson with Mr. Kilburn.

Mrs. GREEN of Oregon, Mr. DENT, Mr. MADDEN, and Mr. LINDSAY changed their votes from "yea" to "nay."

Mr. PIKE changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

## ESTABLISHMENT OF THE CAPE COD NATIONAL SEASHORE, MASS.

Mr. RUTHERFORD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5786) to provide for the establishment of Cape Cod National Seashore, with a committee amendment as printed in the bill.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the area comprising that portion of the land and waters located in the towns of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham in the Commonwealth of Massachusetts, and described in subsection (b), is designated for establishment as Cape Cod National Seashore (hereinafter referred to as "the seashore").

(b) The area referred to in subsection (a) is described as follows:

Beginning at a point in the Atlantic Ocean one-quarter of a mile due west of the mean low-water line of the Atlantic Ocean on Cape Cod at the westernmost extremity of Race Point, Provincetown, Massachusetts;

thence from the point of beginning along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean, Cape Cod Bay, and Provincetown Harbor in generally southerly, easterly, and northerly directions rounding Long Point and then southwesterly to a point a quarter of a mile offshore of the mean low-water line on the harbor side of the dike depicted on the United States Geological Survey Provincetown quadrangle sheet (1949) crossing an arm of the Provincetown Harbor;

thence northerly, along a line a quarter of a mile offshore of and parallel to the low-water line at the dike to a point easterly of the point of intersection of the said dike with the boundary of the Province Lands Reservation as depicted on the said Provincetown quadrangle sheet;

thence westerly to the said point of intersection of the dike and the Province Lands Reservation boundary;

thence along the boundaries of the Province Lands Reservation northwesterly, northeasterly, northerly, and easterly to the easternmost corner of the reservation being near United States Route 6;

thence leaving the said easternmost corner along an extension of the southerly reservation boundary line easterly to the northerly right-of-way line of United States Route 6;

thence along the northerly right-of-way line of United States Route 6 in a general easterly direction crossing the Truro-Provincetown line and continuing in the town of Truro in a generally southeasterly direction to a point four-tenths of a mile southeasterly of the southerly right-of-way line of Highland Road;

thence easterly five-tenths of a mile to a point;

thence turning and running in a southeasterly direction paralleling the general alinement of United States Route 6 and generally distant therefrom five-tenths of a mile to a point approximately 700 feet northwesterly of Long Nook Road;

thence southwesterly along a ridge generally paralleling the alinement of Long Nook Road and distant approximately 700 feet therefrom to a point two-tenths of a mile northeasterly of the northerly right-of-way line of United States Route 6;

thence southeasterly paralleling the general alinement of United States Route 6 and generally distant two-tenths of a mile northeasterly thereof to a point 300 feet south of the southerly right-of-way line of Higgins Hollow Road;

thence in a general easterly direction paralleling the southerly alinement of Higgins Hollow Road and 300 feet distant southerly therefrom to a point five-tenths of a mile east of the easterly right-of-way line of said Route 6;

thence turning and running in a southeasterly and southerly direction paralleling the general alinement of United States Route 6 and distant five-tenths of a mile easterly therefrom to a point 300 feet north of the northerly right-of-way line of North Pamet Road;

thence in a generally southwesterly direction paralleling the general alinement of North Pamet Road and generally distant 300 feet northerly therefrom to a point approximately two-tenths of a mile east of the easterly right-of-way line of United States Route 6;

thence in a southerly direction paralleling the alinement of United States Route 6 and generally distant two-tenths of a mile easterly therefrom to a point three-tenths of a mile south of South Pamet Road;

thence west to the intersection of Old County Road and Mill Pond Road;

thence following the easterly right-of-way line of Old County Road southward to a point opposite the southerly right-of-way line of Ryder Beach Road at its intersection with Old County Road;

thence eastward to a point 300 feet east of the easterly right-of-way line of said Old County Road;

thence in a southerly direction paralleling Old County Road at a distance of 300 feet to the east of the easterly right-of-way line of said road to a point 600 feet south of the southerly right-of-way line of Prince Valley Road;

thence in a generally westerly direction, crossing Old County Road and the New York, New Haven, and Hartford Railroad right-of-way to the southern extremity of the town landing and beach in the Ryder Beach area, and continuing to a point in Cape Cod Bay a quarter of a mile offshore from the mean low-water line of Cape Cod Bay;

thence turning and running along a line a quarter of a mile offshore of and parallel to the mean low-water line of Cape Cod Bay in a general southerly and easterly direction rounding Jeremy Point and thence in a general northerly direction along a line a quarter of a mile offshore of and parallel to the mean low-water line on the westerly side of Wellfleet Harbor, to a point one-quarter of a mile due north of the mean low-water line at the eastern tip of Great Island as depicted on the United States Geological Survey Wellfleet quadrangle sheet (1958);

thence north to the mean high-water line on the north shore of the Herring River estuary in the vicinity of its confluence with Wellfleet Harbor;

thence following the mean high-water line southwesterly, northwesterly, and northeasterly to the easterly right-of-way line of Chequcsset Neck Road at its crossing of Herring River;

thence following the course of Herring River along the 20-foot contour line of the southeasterly shore thereof to a point near Mill Creek;

thence crossing Mill Creek in a northeasterly direction to the 20-foot contour level near to and northeast of the confluence of Mill Creek and Herring River;

thence following generally northerly and easterly along the easterly edge of the Herring River marshes on the 20-foot contour to a point north of which the easterly right-of-way line of a medium duty road, as depicted on said Wellfleet guadrangle sheet, crosses northward across a marshy stream near the juncture of said medium duty road with Bound Brook Island Road;

thence crossing said marshy stream along said easterly right-of-way line of said medium duty road, and continuing in a northerly direction to the 20-foot contour level on the north side of said marshy stream;

thence following the 20-foot contour line westward approximately 1,000 feet to its intersection with an unimproved dirt road, as depicted on said Wellfleet quadrangle sheet, leading from a point near the juncture of Bound Brook Island Road and the said medium duty road;

thence following said unimproved dirt road northwesterly for approximately 1,600 feet to the 20-foot contour line bordering the southerly edge of the Herring River marshes;

thence following said 20-foot contour line in an easterly direction to Route 6;

thence crossing Route 6 and continuing to a point on the easterly right-of-way line of a power transmission line as depicted on said Wellfleet quadrangle sheet;

thence in a general southerly direction along the easterly right-of-way line of said power transmission line to the northerly right-of-way line of Long Pond Road;

thence in a general easterly direction along the northerly right-of-way line of Long Pond Road to the line commonly known as the "Head of the Mile Lots" line, which line

is approximately 3,200 feet westerly of the Atlantic Ocean;

thence southerly along the "Head of the Mile Lots" line to the southerly right-of-way line to Cahoon Hollow Road;

thence in a general westerly direction along the southerly right-of-way line of Cahoon Hollow Road to the easterly right-of-way line of said power transmission line;

thence in a general southerly, easterly, southeasterly, and again southerly direction along the said easterly right-of-way line of a power transmission line to the Eastham-Wellfleet town line;

thence southeasterly for a distance of approximately 5,200 feet to a point due north of the intersection of the easterly right-of-way line of Nauset Road with the northerly right-of-way line of Cable Road;

thence due south to the intersection of the said easterly right-of-way line of Nauset Road and the said northerly right-of-way line of Cable Road;

thence in a general southerly direction crossing Cable Road and along said easterly right-of-way line of Nauset Road to a point 500 feet north of the northerly right-of-way line of Doane Road and its intersection with Nauset Road;

thence west to a point 500 feet west of the westerly right-of-way line of Nauset Road;

thence southerly and westerly 500 feet from and parallel to the said right-of-way line of Nauset Road to the easterly right-of-way line of Salt Pond Road;

thence southerly along the easterly right-of-way line of said Salt Pond Road to its intersection with the southerly right-of-way line of Nauset Road;

thence westerly along the southerly right-of-way line of Nauset Road to its intersection with the easterly right-of-way line of United States Route 6;

thence southerly along the easterly right-of-way line of said Route 6 a distance of about four-tenths of a mile to the northerly boundary of the Eastham town hall property;

thence easterly to a point one-tenth of a mile from United States Route 6;

thence turning and running in a generally southerly direction paralleling the general alinement of United States Route 6 and generally distant therefrom one-tenth of a mile to a small stream approximately one-tenth of a mile beyond Governor Prence Road extended;

thence southeasterly along the said stream to the Orleans-Eastham town line;

thence along the Orleans-Eastham town line to the southerly tip of Stony Island;

thence generally southeasterly in the town of Orleans by Nauset Harbor Channel to a point due north of the northerly tip of Nauset Heights as depicted on United States Geological Survey Orleans quadrangle sheet (1946);

thence due south to the 20-foot contour line in Nauset Heights as delineated on the said Orleans quadrangle sheet;

thence generally southerly along the said 20-foot contour to a point about one-tenth of a mile northerly of Beach Road;

thence southwesterly along a line intersecting Beach Road at a point two-tentha of a mile easterly of the so-called Nauset Road leading northerly to Nauset Heights;

thence southerly to the head of a tributary to Little Pleasant Bay at the northerly tip of Pochet Neck as depicted on the said Orleans quadrangle sheet;

thence generally southerly along the thread of channel of the said tributary passing westerly and southwesterly around Pochet Island and thence southwesterly into Little Pleasant Bay passing to westerly of the northerly tip of Sampson Island, the westerly tip of Money Head, and the southwesterly tip of Hog Island following in general the centerline of Little Pleasant Bay to Pleasant Bay;

thence generally southeasterly in Pleasant Bay along a line passing midway between Sipson Island and Nauset Beach to a point on the Chatham-Orleans town line one-quarter of a mile westerly of the mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach;

thence generally southerly in Pleasant Bay in the town of Chatham along a line a quarter of a mile offshore of and parallel to the said mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach to a point a quarter of a mile south of the mean low-water line of the southern tip of Nauset Beach;

thence easterly rounding the southern tip of Nauset Beach along a line a quarter of a mile offshore of and parallel thereto;

thence generally northerly and northwesterly, and westerly along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean on the easterly shore of Nauset Beach and on to the outer cape to the point of beginning.

Notwithstanding the foregoing description of the Cape Cod National Seashore, there is excluded from said seashore the area within the town of Wellfleet, being a portion of Griffin Island, which is bounded and described as follows:

Beginning at a point on the northerly side line of Duck Harbor Road distant 500 feet easterly from the mean high-water line of Cape Cod Bay;

thence running easterly and southwesterly by the northerly and easterly right-of-way line of Duck Harbor Road to the northerly right-of-way line of Chequesset Neck Road;

thence northwesterly, westerly and southwesterly by the northerly right-of-way line of Chequesset Neck Road to a point distant 500 feet easterly from the mean high-water-line of Cape Cod Bay; and

thence northerly by a line 500 feet distant easterly from and parallel to the mean high-waterline of Cape Cod Bay to the point of beginning.

In the event water access from Pleasant Bay and/or Nauset Harbor is closed from the ocean the Secretary shall take immediate action to provide an adequate passage from those inland waters to the Atlantic Ocean and maintain such opening thenceforth.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as "Secretary") is authorized to acquire by purchase, gift, condemnation, transfer from any Federal agency, exchange, or otherwise, the land, waters, and other property, and improvements thereon and any interest therein, within the area which is described in section 1 of this Act or which lies within the boundaries of the seashore as described pursuant to section 3 of this Act (both together hereinafter in this Act referred to as "such area"). Any property, or interest therein, owned by the Commonwealth of Massachusetts, by any of the towns referred to in section 1 of this Act, or by any other political subdivision of said Commonwealth may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

(b) The Secretary is authorized (1) to use donated and appropriated funds in making acquisitions under this Act, and (2) to pay therefor not more than the fair market value of any acquisitions which he makes by purchase under this Act.

(c) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within such area. The properties so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

The Secretary shall report to the Congress on every exchange carried out under authority of this Act within thirty days from its consummation, and each such report shall include a statement of the fair market values of the properties involved and of any cash equalization payment made or received.

(d) As used in this Act the term "fair market value" shall mean the fair market value as determined by the Secretary, who may in his discretion base his determination on an independent appraisal obtained by him.

SEC. 3. (a) As soon as practicable after the date of enactment of this Act and following the acquisition by the Secretary of an acreage in the area described in section 1 of this Act that is in the opinion of the Secretary efficiently administrable to carry out the purposes of this Act, the Secretary shall establish Cape Cod National Seashore by the publication of notice thereof in the Federal Register.

(b) Such notice referred to in subsection (a) of this section shall contain a detailed description of the boundaries of the seashore which shall encompass an area as nearly as practicable identical to the area described in section 1 of this Act. The Secretary shall forthwith after the date of publication of such notice in the Federal Register (1) send a copy of such notice, together with a map showing such boundaries, by registered or certified mail to the Governor of the Commonwealth of Massachusetts and to the board of selectmen of each of the towns referred to in section 1 of this Act; (2) cause a copy of such notice and map to be published in one or more newspapers which circulate in each such towns; and (3) cause a certified copy of such notice, a copy of such map, and a copy of this Act to be recorded at the registry of deeds for Barnstable County, Massachusetts.

SEC. 4. (a)(1) The beneficial owner or owners of improved property which the Secretary acquires by condemnation may elect, as a condition to such acquisition, to retain the right of use and occupancy of the said property for noncommercial residential purposes for a term of twenty-five years, or for such lesser time as the said owner or owners may elect at the time of such acquisition.

(2) The beneficial owner or owners, not being a corporation, of a freehold estate in improved property which property the Secretary acquires by condemnation, who held, on September 1, 1959, with respect to such property, an estate of the same nature and quality, may elect, as an alternative and not in addition to whatever right of election he or they might have under paragraph (1) of this subsection, to retain the right of use and occupancy of the said property for noncommercial residential purposes (i) for a term limited by the nature and quality of his or their said estate, if his or their said estate is a life estate or an estate pur auter vie, or (ii) for a term ending at the death of such owner or owners, or at the death of the survivor of them, if his or their said estate is an estate of fee simple.

(3) Where such property is held by a natural person or persons for his or their own life or lives or for the life or lives of another or others (such person or persons being hereinafter called "the life tenant"), with remainder in another or others, any right of election provided for in paragraph (2) of this subsection shall be exercised by the life tenant, and any right of election provided

for in paragraph (1) of this subsection shall be exercised by the concurrence of the life tenant and the remainderman or remaindermen.

(4) The beneficial owner or owners of a term of years in improved property which the Secretary acquires by condemnation may elect, as a condition to such acquisition, to retain the right of use and occupancy of the said property for noncommercial residential purposes for a term not to exceed the remainder of his or their said term of years, or a term of twenty-five years, whichever shall be the lesser. The owner or owners of the freehold estate or estates in such property may, subject to the right provided for in the preceding sentence, exercise such right or rights of election as remain to them under paragraphs (1) and (2) of this subsection.

(5) No right of election accorded by paragraph (1), (2), or (4) of this subsection shall be exercised to impair substantially the interests of holders of encumbrances, liens, assessments, or other charges upon or against the property.

(6) Any right or rights of use and occupancy retained pursuant to paragraphs (1), (2), and (4) of this subsection shall be held to run with the land, and may be freely transferred and assigned.

(7) In any case where a right of use and occupancy for life or for a fixed term of years is retained as provided in paragraph (1), (2), or (4) of this subsection, the compensation paid by the Secretary for the property shall not exceed the fair market value of the property on the date of its acquisition by the Secretary, less the fair market value on such date of the said right retained.

(8) The Secretary shall have authority to terminate any right of use and occupancy of property, retained as provided in paragraph (1), (2), or (4) of this subsection, at any time after the date when any use occurs with respect to such property which fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in regulations issued pursuant to section 5 of this Act and in effect on said date: *Provided*, That no use which is in conformity with the provisions of a zoning bylaw approved in accordance with said section 5 which is in force and applicable to such property shall be held to fail to conform or be opposed to or inconsistent with any such standard. In the event that the Secretary exercises the authority conferred by this paragraph, he shall pay to the owner of the right so terminated an amount equal to the fair market value of the portion of said right which remained on the date of termination.

(b)(1) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all improved property located within such area in all of the towns referred to in section 1 of this Act for one year following the date of its enactment.

(2) Thereafter such authority shall be suspended with respect to all improved property located within such area in any one of such towns during all times when such town shall have in force and applicable to such property a duly adopted, valid zoning bylaw approved by the Secretary in accordance with the provisions of section 5 of this Act.

(c) The Secretary's authority to acquire property by condemnation shall be suspended with respect to any particular property which is used for commercial or industrial purposes during any periods when such use is permitted by the Secretary and during the pendency of the first application for such permission made to the Secretary after the date of enactment of this Act provided such application is made not later than the date of establishment of the seashore.

(d) The term "improved property," wherever used in this Act, shall mean a detached, one-family dwelling the construction of which was begun before September 1, 1959 (hereinafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated. The amount of the land so designated shall in every case be at least three acres in area, or all of such lesser amount as may be held in the same ownership as the dwelling, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: *Provided, however*, That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters as the Secretary may deem necessary for public access thereto.

(e) Nothing in this section or elsewhere in this Act shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

SEC. 5. (a) As soon after the enactment of this Act as may be practicable, the Secretary shall issue regulations specifying standards for approval by him of zoning bylaws for purposes of section 4 of this Act. The Secretary may issue amended regulations specifying standards for approval by him of zoning bylaws whenever he shall consider such amended regulations to be desirable due to changed or unforeseen conditions.

All regulations and amended regulations proposed to be issued under authority of the two preceding sentences of this subsection shall be submitted to the Congress and to the towns named in section 1 of this Act at least ninety calendar days (which ninety days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) before they become effective and the Secretary shall, before promulgating any such proposed regulations or amended regulations in final form, take due account of any suggestions for their modification which he may receive during said ninety-day period. All such regulations and amended regulations shall, both in their proposed form and in their final form, be published in the Federal Register.

The Secretary shall approve any zoning bylaw and any amendment to any approved zoning bylaws submitted to him which conforms to the standards contained in the regulations in effect at the time of the adoption by the town of such bylaw or such amendment unless before the time of adoption he has submitted to the Congress and the towns and published in the Federal Register as aforesaid proposed amended regulations with which the bylaw or amendment would not be in conformity, in which case he may withhold his approval pending completion of the review and final publication provided for in this subsection and shall thereafter approve the bylaw or amendment only if it is in conformity with the amended regulations in their final form. Such approval shall not be withdrawn or revoked, nor shall its effect be altered for purposes of section 4 of this Act by issuance of any such amended regulations after the date of such approval, so long as such bylaw or such amendment remains in effect as approved.

(b) The standard specified in such regulations and amended regulations for approval of any zoning bylaw or zoning bylaw amendment shall contribute to the effect of (1) prohibiting the commercial and industrial use, other than any commercial or industrial use which is permitted by the Secretary, of all property within the boundaries of the seashore which is situated within the town adopting such bylaw; and (2) promoting the preservation and development, in accordance with the purposes of this Act, of the area comprising the seashore, by means of acreage, frontage, and setback requirements and other provisions which may be required by such regulations to be included in a zoning bylaw consistent with the laws of Massachusetts.

(c) No zoning bylaw or amendments of a zoning bylaw shall be approved by the Secretary which (1) contains any provision which he may consider adverse to the preservation and development, in accordance with the purposes of this Act, of the area comprising the seashore, or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under and any exception made to the application of such bylaw or amendment.

(d) If any improved property with respect to which the Secretary's authority to acquire by condemnation has been suspended by reason of the adoption and approval, in accordance with the foregoing provisions of this section, of a zoning bylaw applicable to such property (hereinafter referred to as "such bylaw")—

(1) is made the subject of a variance under or an exception to such bylaw, which variance or exception fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in the regulations issued pursuant to this section and in effect at the time of the passage of such bylaw, or

(2) is property upon or with respect to which there occurs any use, commencing after the date of the publication by the Secretary of such regulations, which fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in such regulations (but no use which is in conformity with the provisions of such bylaw shall be held to fail to conform or be opposed to or inconsistent with any such standard),

the Secretary may, at any time and in his discretion, terminate the suspension of his authority to acquire such improved property by condemnation: *Provided, however*, That the Secretary may agree with the owner or owners of such property to refrain from the exercise of the said authority during such time and upon such terms and conditions as the Secretary may deem to be in the best interests of the development and preservation of the seashore.

SEC. 6. The Secretary shall furnish to any party in interest requesting the same, a certificate indicating, with respect to any property located within the seashore as to which the Secretary's authority to acquire such property by condemnation has been suspended in accordance with the provisions of this Act, that such authority has been so suspended and the reasons therefor.

SEC. 7. (a) Except as otherwise provided in this Act the property acquired by the Secretary under this Act shall be administered by the Secretary, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and in accordance with laws of general application relating to the national park system as defined by the Act of August 8, 1953 (67 Stat. 496); except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

(b)(1) In order that the seashore shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with

the preservation of the unique flora and fauna or the physiographic conditions now prevailing or with the preservation of such historic sites and structures as the Secretary may designate: *Provided*, That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific features of Cape Cod within the seashore by establishing such trails, observation points, and exhibits, and providing such services as he may deem desirable for such public enjoyment and understanding: *Provided further*, That the Secretary may develop for appropriate public uses such portions of the seashore as he deems especially adaptable for camping, swimming, boating, sailing, hunting, fishing, the appreciation of historic sites and structures and natural features of Cape Cod, and other activities of similar nature.

(2) In developing the seashore the Secretary shall provide public use areas in such places and manner as he determines will not diminish for its owners or occupants the value or enjoyment of any improved property located within the seashore.

(c) The Secretary may permit hunting and fishing, including shellfishing, on lands and waters under his jurisdiction within the seashore in such areas and under such regulations as he may prescribe during open seasons prescribed by applicable law. The Secretary shall consult with officials of the Commonwealth of Massachusetts and any political subdivision thereof who have jurisdiction of hunting and fishing, including shellfishing, prior to the issuance of any such regulations, and the Secretary is authorized to enter into cooperative arrangements with such officials regarding such hunting and fishing, including shellfishing, as he may deem desirable, except that the Secretary shall leave all aspects of the propagation and taking of shellfish to the towns referred to in section 1 of this Act.

The Secretary shall not interfere with navigation of waters within the boundaries of the Cape Cod National Seashore by such means and in such areas as is now customary.

SEC. 8. (a) There is hereby established a Cape Cod National Seashore Advisory Commission (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of ten members each appointed for a term of two years by the Secretary as follows:

(1) Six members to be appointed from recommendations made by each of the boards of selectmen of the towns referred to in the first section of this Act, one member from the recommendations made by each such board;

(2) One member to be appointed from recommendations of the county commissioners of Barnstable County, Commonwealth of Massachusetts;

(3) Two members to be appointed from recommendations of the Governor of the Commonwealth of Massachusetts; and

(4) One member to be designated by the Secretary.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon vouchers signed by the Chairman.

(e) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(f) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Cape Cod National Seashore, and shall consult with the members with respect to carrying out the provisions of sections 4 and 5 of this Act.

(g) No permit for the commercial or industrial use of property located within the seashore shall be issued by the Secretary, nor shall any public use area for recreational activity be established by the Secretary within the seashore, without the advice of the Commission, if such advice is submitted within a reasonable time after it is sought.

(h)(1) Any member of the Advisory Commission appointed under this Act shall be exempted, with respect to such appointment, from the operation of sections 281, 283, 284, and 1914 of title 18 of the United States Code and section 190 of the Revised Statutes (5 U.S.C. 99) except as otherwise specified in subsection (2) of this section.

(2) The exemption granted by subsection (1) of this section shall not extend—

(i) to the receipt or payment of salary in connection with the appointee's Government service from any sources other than the private employer of the appointee at the time of his appointment; or

(ii) during the period of such appointment, and the further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment.

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act; except that no more than $16,000,000 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of this Act.

SEC. 10. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

Mr. GROSS. Mr. Speaker, is the gentleman from Pennsylvania opposed to the bill?

Mr. SAYLOR. I am not.

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. The gentleman from Iowa demands a second.

Without objection, a second will be considered as ordered.

There was no objection.

Mr. RUTHERFORD. Mr. Speaker, I yield 1 minute to the chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Speaker, I want to open my remarks in support of H.R. 5786 by congratulating all of the members of the Massachusetts delegation—Mr. KEITH, Mr. BOLAND, Mr. LANE, Mr. CONTE, and Mr. MORSE—who had the foresight to introduce bills to preserve the Cape Cod area as part of our national heritage. I want also to express my appreciation to the chairman of the subcommittee on National Parks, the gentleman from Texas [Mr. RUTHERFORD], for the forthrightness and disinterestedness with which he pursued and ironed out the various problems which became evident during consideration of the bill. I want to thank the gentlelady from Idaho [Mrs. PFOST] whose Subcommittee on Public Lands handled the predecessor bills during the 86th Congress. And I want the personnel of the National Park Service who studied and investigated the Cape Cod proposal to know that their efforts are fully appreciated by us even though we have not agreed with their recommendations in all respects.

I am impressed, Mr. Speaker, with our increasing Federal responsibility for preserving open space and historic areas for America to enjoy. Out West, where most of our national parks and monuments are located, we had the great good fortune to start this program—beginning with Yellowstone Park in 1872—before the country began to fill up. We owe a great debt of gratitude to our predecessors for exercising their foresight. Here in the East, we have let things go too long. We have allowed the country to grow without seeing and acting on the need for preserving open public space near our centers of population.

Think of a map of the northern part of the east coast of the United States, if you will, and you will see what I mean. Boston, New Haven, New York, Philadelphia, Baltimore, Washington, Richmond, and Norfolk. Here is a great stretch of our Atlantic coast that is fast developing into an almost continuous street of cities. This is not good. It is too late to preserve much of this stretch. But there are a few areas where it is still possible, in the words of the act of August 25, 1916, the foundation stone of the national park system:

> To conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

Cape Cod is one of these few areas on the Atlantic coast. Millions of Americans live within easy driving distance of it. Tens of thousands can come from all parts of the country to enjoy it every year. It is still relatively unspoiled and it deserves to be kept that way. The investment which this bill authorizes to be made for its preservation will be repaid a hundredfold in the years to come. I urge the favorable action of the House on H.R. 5786 as amended by the Committee on Interior and Insular Affairs of the House.

Mr. RUTHERFORD. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, at the beginning of this session, a new Subcommittee on National Parks was created in the Committee on Interior and Insular Affairs. I have the honor of being chairman of that subcommittee, and I am proud that the first major piece of legislation reported by it is this bill to create the Cape Cod National Seashore. I think it impressive that a subcommittee whose members come from every part of the country except New England—from Texas, Colorado, Idaho, Nevada, Oregon, Alaska,

North Carolina, New York, Pennsylvania, Nebraska, and Iowa—should choose a bill having to do with Massachusetts on which to make its first major effort of the year.

It ranks as major in my mind for at least three reasons:

First. It gives us the first substantial addition to the national park system in the continental United States that Congress has had before it since 1947 when the Everglades National Park in Florida and the Theodore Roosevelt National Memorial in North Dakota were created. If we look at no more than our increase in population since 1947 and at the American people's increased leisure time and mobility, we cannot fail to conclude that we have been falling far behind in this form of providing for improvement in our national life.

Second. It is an important addition to the national park system in the East. All of us have had complaints that our national parks are mostly where the population is not—that is, in the West. And I think the complaint is entirely justified that we are badly in need of additional national park areas near the centers of population in the East. Cape Cod is a step in this direction since it lies within an easy day's drive for a population of at least 25 million.

Third. It is very important since it will save one of the few remaining lengths of comparatively undeveloped and unspoiled shoreline that remain in the United States. There are others, to be sure, that may come along later—Point Reyes in California and Padre Island in Texas—but Cape Cod is the only one that is still available along the Atlantic coast north of Cape Hatteras. It is time, I think, for Congress to take what steps it can to preserve such an area as this for all time and for all generations.

Having said this much by way of general introduction, let me go into more detail. The bill, as reported by the Committee on Interior and Insular Affairs, calls for the creation of a national seashore area containing about 25,725 acres. This is a smaller area than the National Park Service asked for and it is somewhat larger than some of the local people would like to see. Our committee considered very carefully the pros and cons of every tract which the local people asked to be excluded. We considered very carefully the pros and cons of every tract that the National Park Service asked to be included. The figure we arrived at is admittedly a compromise but we think it is a fair one.

The new national seashore will include about 7,000 acres that are in State ownership and will be donated to the United States. It includes about 2,750 acres that the United States already owns and that will be made available for Park Service use as they become surplus to present Federal needs. Another 1,000 acres are owned by local governmental units. The remainder, nearly 15,000 acres, are in private ownership and will have to be acquired.

The bill goes to elaborate lengths to assure the local people that they will not suddenly be dispossessed as soon as this bill becomes law. It is traditional, of course, for the National Park Service to use its powers of condemnation very sparingly, but the bill provides that this power shall, in no event, be used against residential property for 1 year after the bill becomes effective and that it shall never be used to acquire such property which conforms to local zoning bylaws which are in accord with general standards approved by the Secretary of the Interior. It provides, moreover, that the owner of residential property may elect to retain the use and occupancy of his property during his lifetime or for 25 years. I want to emphasize, in addition, that any property owner may continue to sell the property, or lease it, or leave it to his children, or do anything else with it that a normal owner may do. The bill does not affect, or even pretend to affect, these rights at all. I repeat, the local people are much more fully protected by this bill than they are by any other piece of legislation that I have ever seen.

Many of you know from first-hand experience that Cape Cod is beautiful country and that it is well worth preserving in its present state for posterity. Let me assure those of you who have not seen it for yourselves that our committee did not act without familiarizing itself with the area. A group from the committee which included the gentlelady from Idaho [Mrs. PFOST], the gentleman from Alaska [Mr. RIVERS], the gentleman from Colorado [Mr. CHENOWETH], and the gentleman from Oregon [Mr. ULLMAN] visited the area last December and saw it for themselves. Another group which included the gentleman from California [Mr. JOHNSON], the gentleman from Oregon [Dr. DURNO], and the gentleman from Iowa [Mr. KYL] and myself visited it this spring. We may have had minor differences of opinion with respect to the inclusion or exclusion of individual areas from the national seashore, but I am sure that there was no difference of opinion that Cape Cod will be a worthy addition to our national park system, that it is different from any unit of that system which we now have, and that it should be preserved for the use and enjoyment of our own generation and of the generations which will follow us.

Let me underscore the preservation aspect of the Cape Cod proposal. The bill itself does so, our committee report does so, and I want to do so personally and as chairman of the National Parks Subcommittee. The sight of the coastline which the Pilgrims first saw in 1620 is worth preserving. The 3,600 acres of Province lands at the tip of the cape which are still, fortunately, in a wild state after all these years are worth preserving that way. The ponds, large and small, which dot the area and gleam like jewels on a bright day, are worth preserving. The broad sweep of highlands the whole way across the cape from Pamet to Bound Brook is worth preserving.

I doubt seriously that there is any way of preserving these areas for public enjoyment without making them a part of the park system. Most of the good people of the present generation of Cape Codders, aside from a few real estate operations, have honest intentions of preserving them. But what of the next generation? How long can people resist the pressures of population growth which are already impinging on this beautiful area? How long can they resist the lure of subdivision and sale? This is what makes the passage of this bill at this time so important.

Let me emphasize one point: Cape Cod does not need to be preserved for the Cape Cod residents alone; it needs and deserves to be preserved for all America. Just as a New Englander enjoys the Grand Canyon in Arizona, just as a New Yorker enjoys the Everglades in Florida, just as a Californian enjoys the Effigy Mounds in Iowa, just as an Oregonian enjoys the Skyline Drive in Virginia and North Carolina, so all of us should be able to enjoy Cape Cod in Massachusetts. Cape Cod is not merely a local heritage. It is and should be treated as a part of our national heritage in the same way that Grand Canyon, or Glacier View, or Effigy Mounds, or the Everglades are.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. RUTHERFORD. I yield.

Mr. ASPINALL. I understand there is a difference between the House bill and the Senate bill.

Mr. RUTHERFORD. The gentleman is correct.

Mr. ASPINALL. It is my understanding that the House intends to stand by its version; is that correct?

Mr. RUTHERFORD. That is correct.

Mr. ASPINALL. One of the biggest differences between the two bills is that the bill from the other body would take control of appropriations away from the Appropriations Committee, and the House bill would not. Is that correct?

Mr. RUTHERFORD. The gentleman is correct, plus the fact that the Senate bill includes more land for the national park than the House bill does. We do not provide for back-door spending out of the Treasury.

Simple enjoyment of such areas as these is, to my mind, one of the highest and best forms of recreation. Too often we think of recreation, particularly when it is associated with a seashore, as involving the loud and raucous, the outboard motor, the high diver, and popcorn and peanuts. We do not intend Cape Cod to become a second Coney Island. There is no danger that it will become such under the auspices of the National Park Service. The American people will continue to be able to enjoy the cape—its beauty, its historical associations, its scientific interest, and its peace and quiet.. Assurance of this is what we need and what H.R. 5786 gives us.

Mr. Speaker, there are a number of other aspects of this bill that I should like to talk about, but time does not permit me to do so. I want, however, to close by paying tribute to the work which was done during the 86th Congress by the gentlelady from Idaho [Mrs. PFOST] whose Subcommittee on Public Lands began the work of considering the Cape Cod proposal which my subcommittee has continued in the 87th Congress. I want to thank all members of the Committee on Interior and Insular Affairs, and particularly the members of the Subcom-

mittee on National Parks, for their steady attention to the work which was before them. I want to thank the chairman of the full committee, the gentleman from Colorado, Congressman ASPINALL, for the encouragement that he gave us to go ahead with this work.

Mr. Speaker, it is an honor for me to be able to present this bill to the House and to recommend its passage, as amended.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. KYL]

Mr. KYL. Mr. Speaker, with the presentation of this legislation we have both an opportunity and an obligation to survey the entire field of national parks and a related matter of outdoor recreation. This is not a discussion which can be disposed of in a few minutes.

It should be pointed out again, Mr. Speaker, that this body 2 years ago established the Outdoor Recreation and Resources Review Commission to study our long-range planning in outdoor recreation and its relationship with our park systems, our natural forests, and our other resources. The study of that Commission has been long, arduous, and detailed, and I believe will be of great value. The present consideration could have benefited tremendously if we had awaited the forthcoming report of the ORRRC.

It is important that we realize the legislation before us will be regarded as precedent for many future proposals. In a very brief review the gentleman from Iowa can only point out factors deserving deliberation. Proponents of the Cape Cod Seashore Park have demanded speed because of possible deterioration of the park area through commercial and recreational developments. Unquestionably, every other area henceforth will require speed to prevent destruction of the natural beauties.

This legislation calls for creation of a park from land which is highly developed and very valuable. The bill will permit property owners to reside on their property through their lifetime. There is still a conflict between conservation and recreation. There is no accurate estimate of the cost of property acquisition and there is reason to believe that that acquisition cost will be increased by the necessity of access road construction and other considerations. To the best of my knowledge, only one central sewage system exists on the cape and this is in an area to be excluded from the park. It is my opinion that the entire Department will soon have its own highly developed community facilities program to rival that of other departments of the Government for creation of public utilities and services. Since this area is highly developed for both commercial and especially for residential purposes, creation of the park will create serious financial burdens for the beautiful little towns which are losing taxing evaluations. For the latter reason alone, I would have to oppose the version of this legislation passed by the other body if that legislation comes back to this House after a conference.

In the broader view, it is my hope that this legislation will cause us to take a good look at the national park system. What more should it include to be considered a well-rounded program? Should conservation continue to be the almost complete purpose of national parks? Are there not new concepts to be considered, such as regional park systems or programs of cooperation between the Federal Government, the States, and the communities? I believe the Congress is entitled to a complete review of the policies and intentions of the Park Service so far as future additions and development are concerned. I am disposed to oppose every other park bill which is presented before we receive a definitive report from the Interior Department and the Park Service; according to news stories, we are not being informed because the Department does not want to "tip their hand." It should be added that the hand is being played with a pot of over a billion dollars. The Cape Cod area is worthy of preservation in the park system. There are other areas in every State which could be so designated. How can these areas best meet the needs and the desires of the Nation and the people? Do we need a new concept of preservation, not to replace but to augment the system of national parks?

Mr. Speaker, I must again ask every Member to think on this question. How can we best preserve the beauties and other values of our outdoor resources in a manner which is equitable and practical, not only so far as the National Government is concerned, but with respect and judgment for the communities and the people who live in the park areas?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Colorado.

Mr. ASPINALL. The gentleman from Iowa now speaking serves well on the Outdoor Recreational Resources Commission, and his warning is very timely. But, it is my understanding that the Outdoor Recreational Resources Commission has offered no objection whatsoever to this particular legislation; am I not correct?

Mr. KYL. The gentleman is correct.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Washington.

Mr. PELLY. I wonder if the gentleman could tell us when that report of the Outdoor Recreational Resources Commission might be expected.

Mr. KYL. The reporting time was extended by this body. The report, consisting of about 24 volumes, will be presented to the Congress shortly after the first of the year.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Iowa.

Mr. GROSS. Well, to get this in the proper perspective, if I can assist in it, this bill calls for an expenditure of $16 million—that is the foot in the door—to start the establishment of a national park on Cape Cod; is that correct?

Mr. KYL. The estimates of the cost of acquisition of the property have ranged from $16 million to as high as $100 million. I believe the most realistic estimates have been somewhere between $50 million and $60 million.

Mr. GROSS. So that the $16 million is not a very firm figure; is that correct?

Mr. KYL. That limitation is included in the bill. I am not an appraiser, but it would be my estimate that the cost of acquisition of this property would be much higher than the $16 million included in the bill.

Mr. GROSS. On top of that it is going to require roads; is that not correct, a road system to serve this project?

Mr. KYL. There are some roads in the area at the present time, but if the visitation is increased, I think it would be reasonable to expect that there would have to be improvements made along that line.

Mr. GROSS. I believe the gentleman stated that there is only one sewage system in the entire area, and that is excluded from the land sought to be acquired under the terms of this bill.

Mr. KYL. To the best of my information, that is correct.

Mr. GROSS. Could the gentleman tell me why the State of Massachusetts does not underwrite the costs of this park?

Mr. KYL. The only answer I could give to that question is that the witnesses from the State of Massachusetts have told the committee the State could not assume the financial burden of doing this job.

Mr. GROSS. So they want the taxpayers of the entire country to take it over.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Massachusetts.

Mr. BOLAND. As a matter of fact, are we not here establishing a national policy with respect to national seashore areas? That is probably the real reason the Commonwealth of Massachusetts does not take it over. As I recall, the first venture was the Cape Hatteras seashore project, which was dedicated about 4 years ago, one of the country's greatest park areas. And, I think it is in this area that we are establishing a national policy. The gentleman a moment ago referred to the fact that the Commonwealth of Massachusetts should establish its own park area for the enjoyment of all the people of the United States. I do not believe they should. That is the reason we are getting into this field, and I think it is a good field to get into.

Mr. KYL. Of course, the gentleman from Massachusetts realizes, in connection with Cape Hatteras and certain other parks, the State government and the local governments have participated in the establishment.

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. KYL. I yield to the gentleman from North Dakota.

Mr. SHORT. Some of this property to be acquired, as I understand, is now privately owned.

Mr. KYL. Almost all.

Mr. SHORT. Is the property now subject to local taxation?

Mr. KYL. It is.

Mr. SHORT. Is there any provision in this bill to reimburse the local political subdivisions for the tax loss that will be sustained if title to this land is taken over by the Federal Government?

Mr. KYL. In the original bill there was a provision for payment in lieu of taxes. That provision has been removed by amendment.

Mr. SHORT. I thank the gentleman.

Mr. KYL. The most serious consideration given this bill was that of the gentleman from Massachusetts [Mr. KEITH] who had the dual task of promoting a worthwhile park and the protection of property rights for towns and citizens of the cape. His work has been exemplary.

Mr. GROSS. Mr. Speaker, I yield 7 minutes to the gentleman from Oregon [Mr. DURNO].

Mr. DURNO. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DURNO. Mr. Speaker, I would make it crystal clear to this body, as I have so abundantly done before the Interior Committee, that I am in accord with the overall position of the Department of the Interior in its ambitious national park program. I will energetically encourage the development of our natural resources, that are so important to my State, and to our Nation. I hope I may assist in the creation and preservation of certain areas of our country as wilderness. I do want to be a part in the orderly development of recreation areas throughout this land. This is especially true in the East where suitable land is scarce.

I oppose the timing of this particular legislation. Today's proposal is reaching us even before the Outdoor Recreation Resources Review Commission has had a chance to make a report. This completed report is due to be delivered to the Congress January 3, 1962.

I realize in Government we go from crisis to crisis. Despite propaganda to the contrary, this particular problem is not a crisis and might well await recommendations from the Outdoor Recreation Resources Review Commission.

I will object from time to time to the when, the who, and the how of this program. I repeat I am in accord with its overall objectives.

I cannot pass to a discussion of this bill itself without saying to the constituents of my colleague from Massachusetts [Mr. HASTINGS KEITH], that he has worked long and hard with this committee, and as a result I believe H.R. 5786 is a much better bill than the one passed by the other body.

H.R. 5786 is an entirely new concept. For the first time the Federal Government is moving in and invading a thickly populated section of the country; 25,000 to 30,000 acres of land would arbitrarily be taken, much of it from private property owners, held for many generations. This was done by Members of this Congress sitting down with the National Park Service, and cutting up, carving up, apportioning, and reapportioning land for a national seashore.

I do not feel that the gentleman from Texas, the gentleman from Iowa, the gentleman from California, or the gentleman from Oregon, has any right, moral or legal, to recommend the confiscation or condemnation of land of one landowner, and exclude the land of his neighbor. The determination of the status of some of this land was like playing Russian roulette.

Your committee has carefully considered the Cape Cod proposal.

Open hearings, two visits to the area, which included careful coverage of the ground area in the morning by automobile, and in the afternoon by helicopters helped in our deliberations, and in formulating our recommendations.

I voted to place H.R. 5786 before the Congress because I think that all measures of great significance and broad principle should be debated on this floor.

I held reservations as to the wisdom of its passage, and these I would like to briefly pass on to you.

First. Cape Cod would become primarily recreational and the very purpose of preservation and conservation which the bill espouses would be defeated.

Second. According to testimony the cost of acquisition would run from $20 to $120 million, or six times what this bill calls for.

Third. I sincerely believe the four townships most affected do not want this park. Provincetown and Chatham do because of tourist dollars, and little loss of tax revenue to their township.

Fourth. No mention of access road development is made in this bill. This has been estimated to cost $59 million. Who will pay that bill?

Fifth. There is no compensation for loss of tax revenues by the townships. The bill passed by the other body does not protect the municipalities by reserving good adjacent land for residential construction.

Sixth. There is no central sewage disposal in this whole thickly populated area of the cape.

Seventh. There will be a backing up of holiday traffic clear to Plymouth and the very beautiful residential areas to the north will find their way of life not conserved or preserved but seriously threatened by the summer throng attracted.

Eighth. This bill would make the Secretary of the Interior a virtual czar over the lives of the people who are permitted to remain within the confines of the park: He would appoint most of the Advisory Committee; he would appoint the Chairman of the Committee; his word would be final with respect to the zoning ordinances; and his word would be final in much of the fishing and hunting in the area.

These are the reasons I object to the enactment of this legislation.

In conclusion, I was astounded, astonished, and saddened by a recent press release in the Washington Post. Speaking of the park program, officials said they did not want to disclose their hand now, but they proposed to acquire 5.4 million acres of private land at a cost of $1.5 billion in the next few years. All this under the guise of preservation, conservation, and recreation; when we already have 770 million acres in the public domain.

A case in point. On July 7, last Friday, we had before our committee another park proposal involving 113,000 acres of land in Missouri, 86 percent of which is privately owned.

Another case in point. Last week the Department of the Interior came to committee headquarters and without consulting either the chairman of the subcommittee or the chairman of the whole committee, tried to set up a hearing on another national park. Most of us had not heard of this one.

According to Secretary Udall and the press, this is only the beginning. There is much more to come. Let us proceed slowly, and consider the wisdom of our elders, who have preceded us.

John Quincy Adams, from Massachusetts, the sixth President of the United States, and for 20 years thereafter a Member of this body, had this to say: "Property has divine rights, and the moment the idea is admitted into society that property is not as sacred as the laws of God, anarchy and tyranny begin."

The following is a statement prepared by the Cape Cod Chamber of Commerce, Hyannis, Mass., Norman H. Cook, executive secretary, for hearings in Washington, D.C., on March 7, 8, 9, 1961, on the proposed "Cape Cod National Seashore," and contained in H.R. 989 and S. 857 before the Committees on Interior and Insular Affairs, U.S. House of Representatives and U.S. Senate:

Mr. Chairman and committee members, the proposal before you calls for Federal acquisition of nearly 30,000 acres of land in Barnstable County, Cape Cod. Some of you have inspected the area, and know that this is not a wilderness area. Taking this land and opening it to the genral public will have consequences not entirely clear at this time. A wide variety of opinions have been offered, from claims of great benefit to forecasts of disaster for our local economy. That substantial changes will take place seem inevitable. It is our ability to absorb these changes in whichever direction that concerns us.

We cannot believe that the Congress would deliberately set out to destroy our economy. Therefore, we hope you will provide safeguards that will help us absorb the impact with a minimum of hardship.

These safeguards should include "payments in lieu" of taxes for a period of time long enough to assure our towns financial stability. Twenty-five years would not seem too long. Provisions for appeal to the Federal Courts could be provided to determine fair and equitable adjustments. This is a new and untried experiment, and our towns and county should not be left entirely to the mercy of administrative decisions. The Park Service's estimates of the number of people that will use this park indicate an extreme burden on local facilities for traffic control, and public health and safety.

The matter of access to this area is of great concern to us. At the present time, there are approximately 112 miles of old-fashioned highways between the proposed park and the population centers of Boston and New York. These are now dangerously overcrowded in July and August. To im-

pose a load 5 times greater (see p. 316, report on S. 2636, pt. 2, June 2, 1960) which is the Park Service estimate, could be disastrous.

The cost of alleviating these conditions should be included in the estimates of the costs of this proposal. We are all too familiar with the effects of capital expenditure that do not include the operating and secondary costs. The proposal before you ignores these, and, as presently drawn, will place the burden on the local governments. Our economy depends on vacation travelers, and our highways are barely adequate. If traffic doubles or increases five times, it could mean the trade we now need for our support will be driven away because of travel difficulties.

Federal Highway aid in this area is on a 50–50 basis, not 90–10. We believe that if the Congress decides that creating this park is in the national interest, it should not force local interests to pay for highway construction, as well as sacrifice the potential income from the land areas involved, and assume the other burdens this act will impose.

We hope you will include an authorization and an appropriation that continues, "payments in lieu" of taxes for many years, and provides for the entire cost of construction of access highways.

The sums involved in highway construction can be estimated from the facts concerning the section of U.S. Highway No. 6 from West Barnstable to Orleans, a 25-mile section of single lane, which cost $7.5 million. From West Barnstable to the Cape Cod Canal, a matter of 11 miles, there now exists a modern highway of limited access, with a safety median strip. Beyond this, new construction is needed. U.S. Route No. 6 to connect New York City, 55 miles; Massachusetts Route No. 28, to connect Massachusetts Turnpike, 20 miles; Massachusetts Route No. 3, to connect Boston, 12 miles, a total of 112 miles, which will cost in excess of $59.7 million not including land damages.

Construction costs west and north of the canal will be higher than on the cape. Therefore, please include these costs as part of the cost of this proposed park. They could easily exceed the cost of the park itself.

A realistic appraisal of the total cost and provisions to meet them could help considerably in the creation of the park. As it now stands, the park cannot be created without the approval of the General Court of Massachusetts in granting Federal control in State-owned lands. It would seem doubtful that our legislature would approve, knowing that they will have to raise half the cost of the necessary highway construction.

I thank you for this opportunity to present our views on this matter.

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STATEMENT BY THE TOWN OF CHATHAM TO THE SUBCOMMITTEE ON NATIONAL PARKS OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

Inasmuch as the town of Chatham has submitted statements both verbal and written, on a proposed Cape Cod National Seashore Park at various Senate and House subcommittees hearings, and in order to avoid repetition, the town respectfully requests the verbal and written statements, as described and enumerated below, be made a part of the record of this hearing on the new House bill H.R. 989.

1. Verbal statement by Robert A. McNeece made at the Senate subcommittee hearing on Senate bill S. 2636 on December 9 and 10, 1959, Eastham, Mass.

2. Statement of the "position of the town of Chatham in relation to Senate bill S. 2636" presented at the same hearing.

3. Statement filed by Everett C. Small, chairman of the Chatham Board of Selectmen at the hearing before the Senate Subcommittee on Public Lands on June 21, 1960.

4. A statement by the town of Chatham presented to the Subcommittee on Public Lands of the House of Representatives at the hearing of said committee on December 16 and 17, 1960, at Eastham, Mass.

5. The verbal statement by Robert A. McNeece made at the aforementioned hearing.

All of the above are part of the record of the hearings referred to but are distinct and not repetitious in content. Inasmuch as H.R. 989 is a new bill the town of Chatham wishes to be assured that all the testimony it has thus far submitted on the proposed Cape Code National Seashore Park will be printed in and become a part of the record of this hearing.

Supplementing the aforementioned testimony the town of Chatham wishes to make the following additional statement of facts and relevant comments in support of the position the town has taken in regard to a proposed Cape Cod National Seashore Park as it relates to the town of Chatham.

Chatham has maintained from the beginning that any area of the proposed park which must be reached by travel over narrow roads through its fine residential districts would have a serious depreciating affect on the fine residential character of the town as a whole. In a recent letter to the Chatham Park Commissioners from Director Conrad Wirth, of the National Park Service, published in the Cape Cod Standard Times of March 2, 1961, Director Wirth acknowledges the validity of the Chatham contention by describing limited uses now planned for Morris and Stage Islands which would have such an effect as not to "cause access and transportation problems through the town of Chatham." In another press release Senator SALTONSTALL confirmed Chatham's contention by saying in effect the limited uses "answers both the valid concern of the Chatham Board of Selectmen that increased traffic congestion would necessitate the widening of streets and thus impair the traditional charm of the town." Thus the validity of Chatham's most important concern about potential traffic has been recognized by two of the most important sources of legislation to establish the park, Director Wirth and Senator SALTONSTALL. In this same connection Chatham wishes to call attention to Director Wirth's statement and the words "cause access and transportation problems—through the town of Chatham" and refer to the statement made by Director Conrad Wirth as recorded in the hearings at Eastham December 16 and 17, 1960, in which he said, "In our studies we also tried to give the fullest possible consideration to the probably effects of the proposed national seashore on the neighboring communities. You will note that the community centers of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham are all outside of the recommended boundaries." On the one hand the National Park Service claims the proposed park is outside the bounds of the community center of Chatham and on the other hand it recognizes traffic problems through the town of Chatham.

Chatham has also maintained from the beginning that it was not good planning to separate one area of the park in Chatham, 14 road-miles distant, from the next nearest part of the park in Orleans. Chatham has maintained that the park should be as compact and cohesive as possible, because of its impact on the towns effected, the traffic problems, and the efficiency and economy of administration. Chatham wishes to refer the subcommittee to the final paragraph of the "Statement of the National Park Service in answer to the criticism that the area proposed for the Cape Cod National Seashore Park, as it appears in the record of the hearings as Eastham December 16 and 17, 1960, is not really all needed for park use." "It would also impair its cohesiveness as an administrable area by so constricting and fragmenting it that park routes and facilities could not be developed adequately in the best interests of park conservation and public use. To thus hamper proper park planning would tend to increase the impact of public use upon the traditional atmosphere of the cape."

Chatham also wishes to call attention to Mr. Thompson's verbal testimony, at the above-mentioned hearing, in which he said, "There must be some continuity of an area and unity to its development program." Also to the testimony of Prof. Serge Chermayeff, an ardent proponent of the park, in which he states, "The ecology of wildlife cannot jump quarter-mile gaps." Chatham is quoting these statements, out of context, by Mr. Thompson and Professor Chermayeff merely because it believes they were impulsive utterances stemming from innate, commonsense knowledge that there should be some continuity to the park and yet this proposal would separate one part of the park in Chatham, 14 road-miles distance, from the next nearest part in Orleans.

Chatham wishes to call attention also to another paragraph in the statement by Director Wirth. "In suggesting the proposed boundary, we also gave careful consideration to such park planning requirements as the potentialities for its appropriate uses by the visiting public; the need for suitable and safe entrances; means of moving from place to place in the seashore in safety and in such manner as to make a seashore visit enjoyable; public use facilities such as visitor centers, administrative and headquarters sites, and the minimum land needed to accomplish these purposes. In other words, the seashore, if it is to succeed both as a conservation device and as a public use area, must be such that we can provide sensible and orderly protection, development, and use within it. This will not be possible if it is pared down or dismembered into several or more separate and isolated tracts."

Would not separating Chatham from the rest of the park amount to dismemberment? Could such a small area be provided with sensible and orderly protection economically? Is moving 14 miles over a narrow, winding road between Orleans and through Chatham's busy streets consistant with means of moving from place to place in the seashore in safety?

There has now been introduced in the Senate a new bill, S. 857, which, Chatham understands, will be considered at this hearing. This bill provides for reductions in the proposed park boundaries in every lower cape town requesting reduction, but does not provide for any reduction in Chatham.

The only concession made to the town of Chatham is that "Notwithstanding any other provisions of this act, Morris and Stage Islands shall be administered as a sanctuary in which the flora and fauna shall be preserved and where camping and other major activities and developments for the accommodation of visitors shall be prohibited." Who is to define major activities?

In an article in the February issue of the Atlantic Monthly, Devereux Butcher describes the act establishing the Everglades National Park, Fla., and what happened in that park thereafter. From this article Chatham wishes to quote the following: "Congress specifically directed that the area—'shall be permanently reserved as a wilderness, and no development * * * for the entertainment of visitors shall be undertaken which will interfere with the preservation intact of the unique flora and fauna and the essential natural primitive conditions now prevailing in this area.'" Note the similarity of this wording to that in the bill, S. 857. Mr. Butcher, in the same article, relates what has actually happened at the Everglades as follows:

"When Everglades National Park, Fla., was established in late 1947, under a 1934 authorization Act, the area was an unblemished wilderness except for a few patches of agricultural land on the eastern side and a winding dirt road that ended 40 miles away at a little group of weathered fishermen's shacks known as Flamingo, overlooking Florida Bay. The park was, in fact, as much an unblemished wilderness and wildlife sanctuary as Mount McKinley at the time of our visit.

"Newton B. Drury, who was National Park Service director in 1947, said that before starting any development in Everglades, the area would be studied to make sure that whatever was done would not disturb the wildlife, which constituted the park's principal, and perhaps most fragile, feature.

"A new administration came into office in the early 1950's, and since then the 40-mile road has been improved and it fills its purpose well; but at its southern end, where the shacks once stood, there is now a fishing-yachting resort of the kind that is a dime a dozen in Florida.

"There is a 60-room motel, a dining room seating 200, a marina, 57 boat slips, with dockside electric power and water, accommodating boats up to a hundred feet in length, and a hoist for boats up to 5,000 pounds. A channel dug across part of the park's Florida Bay provides access for yachts. Marine supplies—gas, diesel fuel, bait, tackle, and ice—are for sale. There is a launching ramp for boats brought in on trailers. Sightseeing trips run daily to the Cuthbert rookery, when the birds are nesting, and to Cape Sable, White Water Bay, and Florida Bay; inboard and outboard boats are for rent with or without guides, as are 30- and 40-foot self-propelled houseboats that sleep four to six persons. Fifteen- and sixteen-foot Fiberglass boats also are for rent, with or without motors. The supplies and personnel required for this operation must be trucked 40 miles through the park. Is this big commercial resort in accord with the authorization act?"

Could this same thing, or something similar, eventually happen to the Chatham area, particularly in view of the national growing pressure for more recreational use areas?

Nothing in the bill S. 857 prevents the National Park Service from providing a road through Morris Island to the wildlife areas of Monomoy, which can be made accessible by viaduct or bridge and provide recreational facilities to thousands upon thousands of visitors who may enjoy the following permitted uses as quoted from a pamphlet issued by the U.S. Fish and Wildlife Service, Monomoy area, "Recreation." Varied forms of recreation are available to the public on the refuge. They include fishing, camping, hiking, shell collecting, picnicking, and photography.

The wording in the bill S. 857 implies that there will be very limited visitation to Morris, Stage, and Monomoy Islands. Chatham wishes to quote from the economic study of the proposed Cape Cod National Seashore Park. "Our estimate is that at the present time there are 23,000 summer residents in the area at any one time. We forecast that without the development of the national seashore park, this number would be more than double in 15 years. The nature of most of the summer residents, under that condition would continue to be the family groups that now predominate.

"When the lower cape's 23,000 summer residents are used as a basis for calculating 'visitor days,' a conservative estimate is that there are 1.5 million visitor-days already being spent in the area. The implication of the kind of growth experienced at Hatteras—66.8 percent in a 4-year period—if applied to the lower cape would mean a tremendous influx of persons.

"This would mean a total of 2,500,000 visitor-days at the end of a 4-year period after the establishment of the park and 10 million visitor-days in a 15-year period after the establishment of the park.

"Of course the season would be much longer since the experience of other parks has been to draw visitors heavily in the spring and fall. If the park is not established, visitor-days on the lower cape will be less than 4 million. Such an influx as the one predicted for the park is not beyond reasonable expectations."

To assume that only a small fraction of people making up the 10 million extra visitation days will not visit the Chatham area either from a desire to see the whole park while they are here or a wish to use the recreational facilities which may be made available at Monomoy, is unrealistic. Either a sufficient number will come to justify the cost of acquisition (possibly $1 million) administration and maintenance, or it would be sheer folly, particularly in view of the need to maintain a sound dollar, to buy and maintain such an expensive piece of property for a very few people. There is an inconsistency here which puzzles Chatham and leads the town to wonder if the "limited uses" will be only of a temporary nature. Will the history of the Everglades be repeated in the Chatham area.

In determining the fair market value of Morris and Stage Islands which the owners have set at $1,108,500, based on the price of the individual lots on the islands, Chatham has compared the prices of these lots with other shore front, or near shore lots actually sold or with signed agreements to purchased, and can point out lots that range from $15,000, for .65 acre to $20,000, for 1 acre. Such lots and prices must be taken into consideration when an independent appraisal is made.

Much is made of Morris and Stage Islands being "administered as a sanctuary." Alan H. Morgan, executive vice president of the Massachusetts Audubon Society, has stated that "Morris Island, acre for acre, is the most important land bird habitat on the entire New England coast." He further stated, "an overwhelming proportion of its membership as individuals are, we are sure—emphatically—in favor of the park." Chatham takes it for granted that the park, as he referred to it, includes Morris Island.

By contrast a local expert in the knowledge of bird habitats, Edward Norman, member of National Audubon Society, Cooper Ornithological Society, American Ornithologists' Union, Massachusetts Audubon Society, Wilson Ornithological Society, and Northeastern Bird-Banding Association.

Cooperator Bander of the Fish and Wildlife Service of the Department of the Interior, formerly cooperator in banding and research at the Austin Ornithological Research Station in Wellfleet, Mass., states:

"The writer, relating to Morris and Stage Islands in the town of Chatham, has previously expressed opposition to the inclusion of Morris and Stage Islands in the Cape Cod National Seashore. The new provisions written into the revised Saltonstall-Smith bill, S. 857, do not alter this opinion.

"Under private ownership of Morris and Stage Islands, being highly restricted zoned areas, the habitat and ecology will be greatly improved for all forms of wildlife as proved by a parallel situation at harbor coves where food producing planting has increased the bird population throughout the year. The present owners of Morris and Stage Islands have firmly expressed their desire for conservation of the natural beauty of the area. As proof of this attitude, an agreement for a conservation easement covering the cedar swamp and marshes has been made with the town through the conservation commission.

"I firmly believe that such individual management of the land will be of greater benefit to the wildlife than the so-called wildlife sanctuary of the National Park Service."

Mr. Morgan did not poll the members of the Audubon Society, so his statement is presumptuous. If he were to furnish them with the statement filed by Mr. Norman at the December 1960 hearings in Eastham and a record of what has happened at the Everglades would they "overwhelmingly and emphatically" support the inclusion of Morris Island in the park?

The new bill, like its predecessor, establishes the bounds of Nauset Beach at one-quarter mile offshore. This is an invasion of Chatham and Massachusetts waters. For what reason does the National Park Service want a quarter of a mile of our waters in Pleasant Bay? Why are not the bounds set at the mean low water mark, which is common practice, and is used as a method of describing the bounds of other areas in the same bill?

In his statement presented to the subcommittee hearing of December 1960 in Eastham, Director Wirth quotes William H. Whyte, Jr., authority on open space conservation, in connection with community growth. Chatham would like to quote the same William Whyte, Jr., from a statement made in the Urban Land Institute—Technical Bulletin 36, as follows: "The charm of the lower cape lies in lived-in houses as well as in the dunes." It is this charm which one may expect to observe in the colonial houses (required by deed restriction) that will be built on Morris Island if excluded from the park.

Unfortunately no Senate or House subcommittee members have been able to make a leisurely road trip over the Chatham area and the road between Chatham and Orleans under favorable conditions. The National Park Service has taken about 2 years to study the Cape Cod area but the Senate and House committees have had a comparatively few hours to make the same study. The thought of widening and straightening the scenic road between Orleans and Chatham is abhorrent. Massachusetts no longer builds three-lane highways so that if this road were to be widened to State specification it would have to go to four lane with the result that it would no longer be a charming winding road but, instead, a speedway.

In summarizing its views on proposed legislation to establish a Cape Cod National Seashore Park, either under H.R. 989, S. 857, or any other bills relating to the subject, the town of Chatham contends that Morris, State, and Monomoy Islands should be eliminated from any proposed bounds for the following reasons: Based on facts, quoted statements, and other material presented in this statement it has been clearly established and acknowledged that additional traffic through our residential areas is a valid concern of the town.

That either the traffic attracted to the Chatham area in pamphlets issued by the National Park Service will be so great (as Chatham believes it will) that it will cause immeasurable injury to the town or there will be so few people visit the area, as the bill S. 857 implies, that the cost of its acquisition, maintenance, and administration would not be justified.

That separation of one part of the park in Chatham from the next nearest part by 14 miles defeats the desirable purposes of continuity for cohesiveness, traffic safety, maintenance, and administration reasons.

That it is unfair to make land concession to other towns but none to Chatham and is even more cruel since Chatham lost the approximate 3,000 acres of Monomoy to the Federal Government in 1944.

The town of Chatham, therefore, concludes—

(1) That Morris, Stage, and Monomoy Islands should be excluded from any Cape Cod National Seashore Park.

(2) That the westerly, southwesterly, southerly, and northerly bounds of Nauset

Beach to a point on the northerly side delineated on an accompanying map be established at the mean low water mark.

(3) That Monomoy be continued to be preserved in its natural, primitive condition, an excellent example of the constant changes wrought by nature on such projections of sand spits and dunes into the ocean and as a superb retreat for those who are willing to suffer the inconvenience involved in reaching it for the sake of its seclusion and environment which will encourage spiritual and mental reflection for the Thoreaus of today and tomorrow. This is particularly important in view of the fact that the neighboring sandspit of Nauset Beach will be widely used for recreational purposes.

(4) That if preserved for its present purposes, and under its present management, it can continue to operate on a comparatively modest budget which ranges from $6,868 in 1952 to $19,130 in 1961. Whereas, if placed under national park jurisdiction, following the experience of Cape Hatteras, hundreds of thousands of dollars of Federal Government money might be spent on Monomoy and the area would still be at the mercy of frivolous and powerful nature.

(5) That at Cape Hatteras, whole towns were excluded from the park and this precedent could be applied to Chatham in relation to the Morris, Stage, and Monomoy Island areas.

(6) That Chatham is aware of its social responsibilities to the American public and has provided its best beaches for public uses, free of charge, from the tip of Harding Beach, with minor interruptions, almost to the Harwich border, a distance of some 3 to 4 miles.

(7) That the Federal Government should accept Chatham's offer of 235 acres of town owned land on Nauset Beach, as shown on an accompanying map, under the conditions voted at the annual town meeting of March 7, 1960, a copy of the article and vote of that meeting being made a part of the record of this hearing.

(8) That by accepting this proposal and making the aforementioned exclusions and boundary changes the Federal Government will be preserving for posterity a relatively unspoiled, typical cape township with about 200 original and restored Cape Cod cottages, colonial churches, windmills, monuments, and parks and a scenic and comparatively unblemished shoreline. That through its own history of preservation and vigorous program to conserve open space and marsh areas, it is doing its part, at the local level, to cooperate with the program of the National Park Service.

(9) That because of its geographical location on the elbow of the cape, comparatively remote from the main cape traffic arteries, Chatham believes that it can achieve its own preservation objectives and implement the overall purposes of national park legislation if no national attraction is established within its mainland area, and that posterity will be better served as a consequence.

Respectfully submitted.

EVERETT C. SMALL,
ROBERT A. MCNEECE,
DAVID F. RYDER,
*Board of Selectmen, Town of Chatham, Mass.*

P.S.—Chatham respectfully requests that the following be printed in and made a copy of the record of this hearing:

(a) Copy of a map showing the town-owned areas of Nauset Beach.

(b) Copy of a map showing the boundary changes requested by the town of Chatham.

(c) Copy of the article and vote of the Chatham annual town meeting, March 7, 1960.

(d) Copy of a letter addressed to the Honorable GRACIE PFOST dated January 24, 1961, from the Chatham Board of Selectmen.

In view of the fact that S. 857 is to be voted on at the annual town meeting of March 6, 7, and 8, Chatham would like the privilege of submitting supplementary data to be made a part of the record of this hearing.

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STATEMENT OF THE PLANNING BOARD OF THE TOWN OF EASTHAM, FOR SUBMISSION AT HEARINGS BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, S. 857, AND THE HOUSE OF REPRESENTATIVES COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, H.R. 989, RE CAPE COD NATIONAL SEASHORE PARK

The planning board of the town of Eastham, has been from the very first, and still is, unanimously against any form of national park in the town of Eastham.

Our position has been upheld by the almost unanimous vote of the town's people against a national park. At proper annual town meetings the towns of Eastham, Wellfleet, and Truro voted as follows:

Eastham, 4 in favor, 57 against.
Wellfleet, 4 in favor, 105 against.
Truro, 13 in favor, 80 against.

The National Park Service has stated it cannot establish a satisfactory park with less than the maximum amount of land asked for in the bill for a Cape Cod National Park, even though this bill covers more area in Eastham than the national park as originally proposed.

It has been shown by a study authorized by the town, and made by the Blair Associates for the town, that we cannot exist with such a taking. Obviously the two are incompatible.

A point that should be carefully considered, is that all of the towns involved own considerable acres of beach and adjoining upland. The national park can only acquire these areas by a two-thirds majority vote by these same people who voted so strongly against a national park. It is therefore safe to assume that the park would be denied these areas that would be so vital to the establishment of a park. It would leave innumerable breaks in the continuity of a park and cause many large areas spotted throughout.

There are many reports of abuses of the national parks, and we have already had a number of very unpleasant experiences with people who believe a park had already been established. This is only one of the many reasons the townspeople would not be willing to give town property to the park. Furthermore, the thought that after establishment of a park, the town might find it economically wise to give up its beaches, is entirely false. Town-owned beaches can be a moneymaker for the town. The town of Orleans has an exceptionally well run beach which is free to the residents and their guests, and makes a charge of 50 cents to transients. Their net profit for 1960 was $4,000. This profit goes for other nonpaying town parks and beaches.

We cannot understand how the proponents of this bill arrived at a figure of $16 million for the establishment of the park and acquisition of property. By their own statements, they require the entire area, therefore they must purchase the entire area. Persons qualified by their occupations as appraisers, planning board members, real estate brokers, and builders versed in local values, have made the following estimate of the fair market value of the land and the replacement costs of the 300 homes in the area. The estimate arrived at is approximately $18 million for the town of Eastham. This estimate was made in the fall of 1959. Since that time new homes have been built, and more acreage already containing homes has been added to the proposed park. We therefore feel that this is a very modest estimate.

The towns of Wellfleet and Truro have considerably more acreage in the proposed park area and should have a greater estimated value. Add to this the property to be taken in the towns of Orleans and Chatham, the high cost of the takings, such as title searching, surveying, court proceedings, access roads, administration buildings, and the many other expenses of establishing a park. Therefore, we feel that a conservative figure for a total cost could well exceed $100 million, or about $3,300 an acre—an unheard of cost for establishing a national park. Furthermore, with today's high cost of government, including aid to distressed areas, to which we would be added, there is no assurance of how much of the $18 million Congress would vote for the park.

To sum up the above, were a national park to be established, it would be completely against the wishes of, and disastrous to, the towns involved. The cost would be prohibitive, and, by park standards, it would be highly undesirable and completely unworkable.

The planning board of the town of Eastham, being charged with looking out for the future of the town, and consequently the adjoining towns and the county, would like to point out that authorizing a national park in such a highly developed area as Cape Cod would establish a very dangerous precedent, thereby leading us to believe that in the future, no private property would be immune from seizure by the Government.

The town of Eastham has had zoning regulations and a building code for 10 years, a zoning committee for 5 years and a conservation commission for 4 years, all active.

The town of Eastham is now one of the best zoned in the county, and we are continually improving on it. At our 1961 annual town meeting, we made further restrictions on signs, and turned down two petitions for extension of the business area.

The attached copy of our zoning laws shows that the entire area of the proposed park is in the well-zoned residential A district.

This town could only become a so-called honky-tonk area by being forced into it for economic reasons by a national park.

The town of Eastham has 17 public town landings, of which 11 are on salt-water beaches and also holds in excess of 50 acres of land and 3,100 feet of beach for future public use, as needed.

It is clearly evident that the town of Eastham is already doing all of the desirable things for the public that this bill envisions, and that any bill for a national park in Eastham would not only be superfluous but very costly to both the town and the Government and would defeat its own purposes.

Following are two statements made by the Director of national parks in an article in the Saturday Evening Post. "Some camping grounds are so crowded that they amount to outdoor slums." "Yellowstone will be destroyed if things keep on as they are going, literally destroyed, crowds walking all over the formations, vandalism is more and more prevalent. We ought to at least keep what we've got and we're not doing it." We feel that these statements based on real facts show that conservation and preservation could not possibly exist in so small a place as the proposed Eastham area if it were wide open to millions of visitors and under the auspices of the National Park Service.

Should (regardless of all valid arguments against it) a national park be established, we feel that it is imperative that the property owner within the area be fully protected. A section should be included in the bill requiring that sufficient funds be immediately available for the purchase of any properties that the owners wish to sell to the National Park Service and that the Park Service be required to purchase such property within 1 year from the date of request by the owner. This would alleviate

the hardship for those persons who feel they must sell for whatever reason. As this park is to be established for all of the Nation to use, it should be paid for by the people and not at the cost of the property owners.

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STATEMENT MADE BY ANTONE DUARTE, JR., CHAIRMAN OF THE TOWN OF TRURO PLANNING BOARD, AS THE OFFICIAL REPRESENTATIVE OF THE TOWN OF TRURO, AT THE HOUSE OF REPRESENTATIVES SUBCOMMITTEE HEARING ON THE PROPOSED CAPE COD NATIONAL SEASHORE PARK ON TUESDAY, MARCH 7, 1961

Mr. Chairman and members of the committee, my name is Antone Duarte, Jr. I live in the town of Truro, Mass. I am the chairman of the Truro Planning Board, an elective board of the town of Truro. I have been designated by the planning board and the selectmen as the official representative of the town and to present the case of the town to your committee.

I shall attempt to present a case consistent with the wishes of the majority of the voters of the town of Truro, while also keeping in mind the rights and wishes of minority groups.

On December 9, 1959, I issued a lengthy statement for the town of Truro Proposed National Park Committee at the Senate subcommittee hearing at Eastham, Mass., which was conducted by Senator FRANK MOSS. Since that statement is a part of the CONGRESSIONAL RECORD, I shall not make a time-consuming repetition of the facts involved.

Since the Eastham hearings, the officials of the town of Truro have had meetings with our Representative, HASTINGS KEITH, and have arrived at the maximum area that any national seashore park in the town of Truro could comprise without reducing the town to a point where its ability to survive as a township would be endangered.

We have requested that four areas be omitted from the park as proposed by H.R. 66, H.R. 711, H.R. 989, and any others which define like proposals. The four areas shall be designated as the Highland area, the Longnook area, the Ryder Beach area, and the Pamet area. These areas are mostly residential and contain a large percentage of the improved property within the proposed park. I have referred to these areas in my above-mentioned report to the Senate subcommittee, but I will bring it up to date briefly:

The Highland area contains 300 acres of land; there are 63 owners of 76 buildings; the total assessed value of buildings is $216,230; the market value of the buildings is $721,000; the market value of the land, 300 acres at $1,000, $300,000; total value, buildings and land, $1,021,000.

The Longnook area contains 190 acres of land; there are 29 owners of 41 buildings; the total assessed value of buildings is $134,400; the market value of the buildings is $338,000; the market value of the land, 190 acres at $1,200, $228,000; total value of buildings and land, $566,000.

The Pamet area contains 300 acres of land, there are 85 owners of 104 buildings; the total assessed value of the buildings is $297,500; the market value of the buildings is $991,665; the market value of the land, 300 acres at $2,000, $600,000; total value of buildings and land, $1,591,665.

The Ryder Beach area contains 320 acres of land, there are 42 owners of 53 buildings; the total assessed value of the buildings is $127,200; the total market value of the buildings is $424,000; the total market value of the land, 320 acres at $1,000, $320,000; total value of buildings and land, $744,000.

Grand totals of 4 areas, 1,110 acres of land, 219 owners of 274 buildings; total assessed value of buildings, $775,330; total market value of buildings, $2,474,000; total market value of land, $1,447,000; total value, $3,921,000.

Note.—In 1960 the total assessed value of the town of Truro was $4,219,934. Taxes assessed on real estate in 1960—$167,466.30.

The four above areas are considered the minimum amount that can be removed from the proposed park so that the town can still survive as a township. Representative KEITH is in accord with this proposal as he has pledged his support to the town as its representative in Congress. I request that your committee give serious consideration to the above four areas. I am not here to present evidence to destroy the park, or otherwise hamper it. I am here as a representative of a town, asking for consideration so that it may continue to exist and to carry on as it has done since its incorporation in 1709.

I hereby propose the following amendment to the bills in question, relative to the boundary lines of the park:

Delete all lines between line 21 of page 3 and line 19 of page 4 (H.R. 989) and substitute the following:

"thence along the northerly right-of-way line of United States Route 6 in a generally easterly direction crossing the Truro-Provincetown town line to and continuing in the town of Truro to a point 300 feet northerly from the northerly right-of-way line of Highland Road;

"thence easterly paralleling the general alinement of Highland Road and 300 feet distant northerly therefrom to a point 300 feet westerly of the westerly right-of-way line of Coast Guard Road;

"thence northerly, northeasterly and easterly paralleling the general alinement of Coast Guard Road and 300 feet distant westerly therefrom to a point on the top of the ocean bank;

"thence southerly along the top of the ocean bank to a point thereon which is 300 feet distant southerly from the general southerly alinement of Highland Road extended;

"thence westerly along a line 300 feet southerly from and paralleling the general alinement of Highland Road to a point 300 feet westerly of the westerly right-of-way line of South Highland Road;

"thence northerly and westerly paralleling the general alinement of South Highland and Highland Roads 300 feet distant southerly therefrom to a point on the easterly right-of-way line of said Route 6;

"thence turning and running southeasterly by the easterly right-of-way line of Route 6 to a point four-tenths of a mile southeasterly of the southerly right-of-way line of Highland Road, thence easterly two-tenths of a mile to a point;

"thence turning and running in a southeasterly direction paralleling the general alinement of U.S. Route 6 and generally distant therefrom two-tenths of a mile to a point 300 feet northerly of the northerly right-of-way line of Long Nook Road;

"thence running easterly paralleling the general northerly alinement of Long Nook Road and 300 feet distant northerly therefrom to a point on the top of the ocean bank;

"thence southerly along the top of the ocean bank to a point which is 300 feet south of the southerly right-of-way line of Long Nook Road;

"thence westerly paralleling the general alinement of the southerly right-of-way line of Long Nook Road and 300 feet distant southerly therefrom, 4000 feet to a point;

"thence due south crossing Higgins Hollow Road to a point 300 feet south of the southerly right-of-way line of Higgins Hollow Road;

"thence in a general westerly direction paralleling the general southerly alinement of Higgins Hollow Road and 300 feet distant southerly therefrom to a point two-tenths of a mile east of the easterly right-of-way line of said Route 6;

"thence turning and running in a southeasterly direction paralleling the general alinement of said Route 6 and distant easterly therefrom two-tenths of a mile to a point 300 feet north of the northerly right-of-way line of North Pamlet Road;

"thence in a general easterly direction paralleling the general alinement of North Pamet Road and 300 feet distant northerly therefrom to a point on the top of the ocean bank;

"thence southerly along the top of the ocean bank to a point 300 feet south of Pamet Town Landing;

"thence westerly to a point 300 fect east of the easterly right-of-way of South Pamet Road;

"thence in a southerly and westerly direction paralleling the general alinement of South Pamet Road and 300 feet distant southerly therefrom to a point two-tenths of a mile east of the easterly right-of-way line of said Route 6; (There is included in the foregoing description so much of the marsh bordering Pamet River as lies below 3 feet above mean high water line as shown on U.S. Geological Survey North Truro quadrangle sheet (1948) and Wellfleet quadrangle sheet (1958) as lies east of said Route 6 said marsh to be included in the park boundaries.)

"thence turning and running in a southeasterly direction paralleling the general alinement of said Route 6 and distant easterly therefrom two-tenths of a mile to a point three-tenths of a mile south of South Pamet Road;

"thence west to the intersection of Old County Road and Mill Pond Road;

"thence following the easterly right-of-way line of Old County Road southerly to a point opposite the southerly right-of-way line of Ryder Beach Road at its intersection with Old County Road;

"thence easterly to a point 300 feet east of the easterly right-of-way line of said Old County Road;

"thence in a southerly direction paralleling Old County Road at a distance of 300 feet to the east of the easterly right-of-way line of said road to a point 600 feet south of the southerly right-of-way line of Prince Valley Road;

"thence in a generally westerly direction, crossing Old County Road and the New York, New Haven & Hartford Railroad right-of-way to the southern extremity of the town landing and beach in the Ryder Beach area, and continuing to a point in Cape Cod Bay a quarter of a mile offshore from the mean low-water line at said extremity of the town landing and beach;

"thence turning and running along a line a quarter of a mile offshore of and parallel to the mean low-water line of Cape Cod Bay in a general southerly direction to the town line between Truro and Wellfleet."

It is understood that the argument against this proposal for boundary changes is that it breaks the continuity of the park. It should be noted that the continuity is already broken at each of the areas in question, by a town road, a town-owned parking area, and a town-owned beach. These could not be taken over without a vote of the town, which might be difficult to obtain unless some concessions were made to the town.

The national seashore park proposal has contributed to considerable unrest in the town of Truro during the past 5 years. The following are some of the problems which are disturbing to our taxpayers:

1. What zoning requirements must be met before a resident can be assured that he can continue to live in his home for the remaining years of his life. The town officials can give no answer to this question because they have tried without success to find out what the Secretary of the Interior will require. The town now has a zoning code but it has no

assurance that it will be acceptable. The zoning requirements of the Secretary of the Interior should be made known to Congress and to the towns before final action is taken on this bill.

2. How will payments in lieu of taxes be made? The expenses of the town of Truro have been increasing at the approximate rate of 10 percent per year over the last 10 years. The economy of the town is dependent upon an increasing amount of tax revenue each year. This increasing tax revenue is the result of increased construction within the town. When part of the taxable property (25 to 30 percent) is taken away and when 70 percent of the land is no longer available for expansion, then the town of Truro will need considerable financial assistance. Before final action is taken on this bill, a careful study should be made regarding adequate payments in lieu of taxes.

3. What will be the status of the town-of-Truro-owned beaches within the proposed park? The town of Truro owns five beaches and parking areas within the proposed park. The town has spent many thousands of dollars in recent years acquiring and improving the parking areas. Will the town be reimbursed for this recent expense? If not, the town should be in a position to anticipate favorable payments in lieu of taxes.

4. Will the National Park Service stress conservation or recreation? The voters of the town of Truro have shown by their acceptance of the present zoning code that they do not favor unlimited exploitation of the town for honky-tonk business enterprises. Out of 20 miles of frontage on U.S. Route 6 in Truro, business is allowed on only 1 mile. The balance is reserved for residential use. The zoning code prohibits any additional tenting and trailer parks within the town of Truro. The town is now limited to the present three tenting areas and one trailer park. There is a great concern as to the extent of tenting that the park will bring into the area. The town would like to see the areas defined as to size and location before final action is taken on this bill.

CONCLUSION

The voters and officials of the town of Truro are in sympathy with the residents and officials of the other five towns involved in the proposed park. We trust that their proposals and suggestions will receive your kindest consideration. Thank you for this opportunity of coming before you to present these suggestions from the town of Truro, Mass.

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STATEMENT ON BEHALF OF THE TOWN OF WELLFLEET

Mr. Chairman and members of the committee, the views of the town of Wellfleet on the proposed establishment of the Cape Cod National Seashore Park in the Commonwealth of Massachusetts have been submitted on various occasions, both orally and in brief form. It is my understanding and that of the community that previous testimony on the subject matter submitted to the 86th Congress will be considered and that this statement will be a supplement thereto.

I regret that it is impossible for me, as the delegated representative of the town of Wellfleet, to be present before your committee because of a long-planned trip out of the country at this particular time, but I respectfully request that this statement be made a part of the record.

The fundamental issue presented by the proposed legislation is whether or not the area of the lower cape is sufficiently large to permit the establishment of a national seashore park of approximately 30,000 acres and still allow the six municipalities involved to exist economically. At the most recent hearings in the town of Eastham, Mass., on December 16, 1960, the position of the National Park Service was stated to be, in effect, that unless authorization was given to take the entire acreage as proposed that the park could not be established.

The testimony of the towns involved, through their various representatives, was clearly to the effect that unless there were some revisions in boundaries and certain exclusions of designated land areas that the town involved could not exist. I believe that the previous written statement of the town of Wellfleet leaves little room for doubt as to the economic impact of the park as proposed. It should be evident that if nearly 70 percent of the town's acreage is taken for park purposes, including to a great degree most of the land suitable for development and building, that great damage must result. This is particularly true when one considers that over 50 percent of the land excluded from the proposed park is marshland, for which there is no practical utilization.

The hearings held at Eastham, Mass., on December 16–17, 1960, revealed for the first time the position of the National Park Service—that this was an all-or-nothing proposal. Every previous expression of this agency relative to the land area to be taken for park purposes emphasized the fact that land areas were subject to compromise, agreement, and adjustment. Lulled into a sense of security by the promises of the representatives of the Great White Father that there was nothing to fear and that the ultimate objective was a solution to the mutual advantage of all, the towns honestly explored the possibility of agreeing with the establishment of a park, while still being able to exist as political self-supporting entities.

For nearly a year, studies were made on the local level, surveys were conducted, and many meetings were held by and between the townspeople to arrive at a reasonable solution. The towns formally agreed to establishment of a seashore park provided certain reasonable exclusions were granted. The sum total of these was not more than the 10 percent of land area which the original bills proposed to make available for development.

The hearings in Eastham, however, indicated that it was never the intent of the National Park Service to compromise; that actually there was not 10 percent of the land area which could be spared for future development and expansion; and that in the opinion of the Park Service a park of less than the approximate 30,000 acres, as first proposed, was not feasible, and if not authorized, would, if not destroy the park, seriously impair it.

The position of the National Park Service, based on answers to questions propounded at the Eastham hearings, is that the boundaries proposed by it represent the irreducible minimum of area required for their purpose. The position of the towns, and particularly Wellfleet, is that the proposed boundary changes suggested by the towns are the irreducible minimum of land area needed for economic existence as a self-supporting municipality. The only compromise has been that proposed by the local committees, notwithstanding the repeated statements of Mr. Wirth as Director of the National Park Service that his agency always was open to compromise.

The position of the National Park Service leaves no alternative to the town of Wellfleet but to oppose the establishment of a national seashore park, as proposed. At the annual town meeting held on February 13, 1961, the inhabitants voted in opposition to the park as proposed clearly, categorically, and emphatically, 105 to 4, and against a national seashore park on the lower cape 109 to 15. An attested copy of this vote is attached hereto and made a part hereof.

It is the considered opinion of the officials of the town that in the event that a national seashore park is established as proposed, over the objection of the communities, that it would be impossible to obtain the necessary two-thirds vote of the inhabitants to authorize a transfer of town-owned property within the proposed park. This would involve nearly a mile of beach front on the Atlantic Ocean, a half mile of beach front on Cape Cod Bay, landings on all the ponds within the town of Wellfleet, ranging from 2 to 5¾ acres, and other valuable holdings.

At this time when money appropriations must be scrutinized, even by the Federal Government, it should be mentioned that the proposed land taking ultimately will involve a sum approximately 10 times the $16 million requested to establish this proposal. It will result in reducing at least four towns into seasonal resort areas without a stable economy. The elimination of about 75 percent of the area on which homes may be built will destroy the construction trades which support nearly all of the community.

There has been no evidence supported by facts that the establishment of a seashore park requires the substantial land taking as proposed since it is clear that the main attraction of the area is its beaches, which will be used only for about 3 months out of the year.

I respectfully suggest that your committee review the facts previously submitted; that you refresh your recollection of the land uses in existence as observed by those of you who visited the area; that you give the proper weight to the evidence of those who live, work and have protected the area for some 10 generations. That in considering the evidence as expressed in letters and statements by members of garden clubs and similar organizations, most of whom have never been to the locus, that it be given its proper weight. That when you consider statements that most of the people in the area favor the park, you give proper weight to the various votes expressing the will of the people.

If in the considered judgment of your committee you deem that the national interest requires the establishment of some sort of a seashore park in this area, I respectfully suggest that the boundary lines of the park in the town of Wellfleet be changed and that House bill 989 be amended by striking out the boundary description as it relates to the town of Wellfleet from line 22, page 4, through line 21, page 5, and substitute the boundary description attached hereto and made a part hereof, by incorporation and reference.

I further respectfully suggest that Senate bill 857 be similarly amended by striking out from line 19, page 5, through line 2, page 6, and all other lines describing the boundary line in the town of Wellfleet, and substituting the boundary lines referred to above.

CHARLES E. FRAZIER, Jr.
(For the town of Wellfleet).

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TOWN OF WELLFLEET EXCERPT

From the record of the annual town meeting held February 13, 1961.

Article 39. Voted: That the town give voice and opinions to the following questions relative to the establishment of a so-called Cape Cod National Park, the results of said vote or opinion to be forwarded to our Senators, Representatives, and to the committees considering the proposed legislation:

1. Are you in favor of the establishment of a Cape Cod National Park according to the proposal of the National Park Service and as specified in the Saltonstall-Kennedy bill filed in the 87th Congress?

Hand count: Yes, 4; no, 105.

2. Are you in favor of the establishment of a Cape Cod National Park according to the proposal of the selectmen of the towns of Chatham, Orleans, Eastham, Wellfleet,

Truro, and Provincetown, providing for modifications of the land areas as proposed by the National Park Service?

Hand count: Yes, 38; no, 95.

3. Are you in favor of the establishment of a national park or a Cape Cod National Park in the area of the towns of Chatham, Orleans, Eastham, Wellfleet, Truro, and Provincetown?

Hand count: Yes, 15; no, 109.

NATALIE V. FLETCHER,
*Town Clerk.*

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DESCRIPTION OF AMENDED BOUNDARY FOR WELLFLEET

Beginning at:

The town line between Truro and Wellfleet;

thence generally easterly along the Truro and Wellfleet town line to the westerly edge of the marsh of Bound Brook;

thence generally southeasterly, southwesterly and westerly by the edge of the marsh to the southerly right-of-way line of an unimproved dirt road as shown on said Wellfleet quadrangle sheet;

thence northerly to the southerly right-of-way line of Bound Brook Island Road;

thence westerly by the southerly right-of-way line of Bound Brook Island Road to the town landing;

thence southerly and westerly by the town landing to a point in Cape Cod Bay one-quarter of a mile offshore from the mean low-water line;

thence southerly along a line a quarter of a mile offshore of and parallel to the mean low-water line of Cape Cod Bay to a point;

thence turning and running easterly on the prolongation of the northerly right-of-way of Duck Harbor Road;

thence continuing easterly and southwesterly by the northly right-of-way line of said Duck Harbor Road to the northerly right-of-way line of Chequesset Neck Road;

thence northwesterly, westerly and southwesterly by the northerly right-of-way line of Chequesset Neck Road to the town landing;

thence westerly by the town landing to a point in Cape Cod Bay a quarter of a mile offshore from the mean low-water line;

thence turning and running along a line a quarter of a mile offshore of and parallel to the mean low-water line of Cape Cod Bay in a general southerly and easterly direction around Jeremy Point;

thence in a general northerly direction along a line a quarter of a mile offshore of and parallel to the mean low-water line on the westerly side of Wellfleet Harbor to a point one quarter of a mile due north of the mean low-water line at the eastern tip of Great Island as depicted on the U.S. Geological Survey Wellfleet quadrangle sheet (1958);

thence north to the main high-water line on the north shore of the Herring River estuary in the vicinity of its confluence with Wellfleet Harbor;

thence following the mean high-water line southwesterly, northwesterly, and northeasterly to the easterly right-of-way-line of Chequesset Neck Road at its crossing of Herring River;

thence following the course of Herring River along the 20-foot contour line of the southeasterly shore thereof to a point near Mill Creek;

thence crossing Mill Creek in a northeasterly direction to the 20-foot contour level near to and northeast of the confluence of Mill Creek and Herring River;

thence following generally northerly and easterly along the easterly edge of the Herring River marshes on the 20-foot contour to a point north of which the easterly right-of-way line of a medium duty road, as depicted on said Wellfleet quadrangle sheet, crosses northward across a marshy stream near the juncture of said medium duty road with Bound Brook Island Road;

thence crossing said marshy stream along said easterly right-of-way line of said medium duty road, and continuing in a northerly direction to the 20-foot contour level on the north side of said marshy stream;

thence following the 20-foot contour line westward approximately 1,000 feet to its intersection with an unimproved dirt road, as depicted on said Wellfleet quadrangle sheet, leading from a point near the juncture of Bound Brook Island Road and the said medium duty road;

thence following said unimproved dirt road northwesterly for approximately 1,600 feet to the 20-foot contour line bordering the southerly edge of the Herring River marshes;

thence following the 20-foot contour line in an easterly direction to said Route 6;

thence northerly by the westerly right-of-way line of said Route 6 to the Wellfleet-Truro town line;

thence turning and running in an easterly direction by the Truro-Wellfleet town line crossing Route 6 to a point 750 feet westerly from the top of the ocean bank;

thence in a general southerly direction along a line 750 feet westerly from the top of the ocean bank to a point on the northerly right-of-way line of Kinnacum Pond Road and the northerly right-of-way line of Gull Pond Road to the easterly right-of-way line of a power transmission line;

thence in a general southerly direction along the easterly right-of-way line of said power transmission line to the northerly right-of-way line of Long Pond Road;

thence in a general easterly direction along the northerly right-of-way line of Long Pond Road to the westerly right-of-way line of Ocean View Drive;

thence southerly along the westerly right-of-way line of Ocean View Drive to the southerly right-of-way line of Cahoon Hollow Road;

thence in a general westerly direction along the southerly right-of-way line of Cahoon Hollow Road to the easterly right-of-way of said power transmission line;

thence in a general southerly, easterly and southeasterly direction along the easterly right-of-way line of said power transmission line to a point 500 feet north of LeCount Hollow Road (also known as Cook Road);

thence generally northeasterly by a line paralleling the general alinement of LeCount Hollow Road and distant north 500 feet therefrom to a point 500 feet west of the westerly right-of-way line of Ocean View Drive;

thence northerly by a line paralleling the general alinement of Ocean View Drive and distant 500 feet westerly therefrom for a distance of 4,500 feet;

thence running easterly across Ocean View Drive to the top of the ocean bank;

thence generally southerly along the top of the ocean bank to a point 1,000 feet south of LeCount Hollow Road;

thence generally southwesterly by a line paralleling the general alinement of LeCount Hollow Road and distant 1,000 feet southerly therefrom to a point due south of the intersection of the westerly right-of-way line of Ocean View Drive and LeCount Hollow Road;

thence due north to a point 500 feet south of the southerly right-of-way line of LeCount Hollow Road;

thence generally southwesterly by a line paralleling the general alinement of LeCount Hollow Road and distant 500 feet southerly therefrom to the easterly right-of-way line of said power transmission line;

thence in a general southerly direction along the easterly right-of-way line of said power transmission line to the Eastham-Wellfleet town line.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. DURNO. I yield to the gentleman from Colorado.

Mr. ASPINALL. My colleague has been on the committee only a very few months. My colleagues on the committee, as it is now constituted, do not take any orders from downtown or from the Washington Post in regard to anything they consider for the national park system.

Mr. DURNO. I appreciate the chairman's remarks. I have the utmost, highest regard for the chairman of the committee and for the entire committee.

Mr. RUTHERFORD. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Speaker, first I would like to compliment the gentleman from Texas, the chairman of the Subcommittee on National Parks, for bringing this bill to the floor. I think he and his subcommittee and the Committee on Interior and Insular Affairs have done a magnificent job in a very difficult situation.

I also take time to compliment the gentleman from Massachusetts, my colleague from the Cape Cod area [Mr. KEITH], whose name appears on the bill. He had, I think, one of the most difficult jobs in resolving many of the problems that arose in that area. If it were not for his interest I am sure it would be difficult to pass this bill.

I also commend to the House the report on this bill filed by the committee. I think for clarity, commonsense, and for beautiful prose it has few equals among the reports I have seen on this floor.

As one of the original sponsors of this legislation, I know my colleagues are aware of my profound interest in this proposal to establish a vitally needed recreational area and beauty spot on Cape Cod for the public. Both Congressman O'NEILL, of Massachusetts, and I cosponsored legislation on May 12, 1958, following the recommendations of the National Park Service. My colleague, Congressman PHILBIN, of Massachusetts, had previously filed a bill to establish a Cape Cod National Park. President Kennedy, who had sponsored similar legislation while in the Senate, this year strongly recommended the Cape Cod National Seashore Park to Congress in his message on natural resources.

This national park would embrace the great outer beach of Cape Cod, famous the world over for its hooked shape, and extending from Provincetown at the tip down through the towns of Truro, Wellfleet, Eastham, Orleans, and Chatham. The greatest single natural feature of the proposed national seashore is an unbroken sweep of 40 miles of coastline along the Atlantic Ocean. This is one of the few lengthy coastal areas in the United States that is still virtually in a state of nature. It is the longest on the Atlantic coast north of Cape Hatteras.

Mr. Speaker, the vanishing shoreline of our Nation ought to be of considerable concern to the people of the United States. Unfortunately it is not. Con-

cern is shown only by a comparatively limited few, and this lack of interest is reflected in the indisputable fact that one of our greatest national resources, the seashore, is rapidly disappearing from public use. The time to reverse this alarming trend is here and now. The time is still available to us, but grows shorter each passing year. The only opportunity to do anything about the matter is speedily diminishing and fleeting away.

What are some of the facts relating to our east and gulf coast shorelines? Back in 1935, the National Park Service made a survey of the Atlantic and gulf coasts for potential national seashores. It found that plenty of unspoiled seashore areas were suitable for public recreation, and it recommended that 12 major strips, with 437 miles of beach, be preserved as national areas. Only 1 of the 12, Cape Hatteras, N.C., was actually acquired as a national seashore. All others, save one, have long since gone into private and commercial developments. In 1954, another survey under the direction of the National Park Service was made, assisted by grants from philanthropic foundations, revealed that of the 3,700 miles of general shoreline along the Atlantic Ocean and Gulf of Mexico, only 6½ percent or 240 miles are in Federal and State ownership for public recreation uses.

If you want to find out the real truth, you should travel, as I did, during the past week along the New Jersey, Massachusetts, and New Hampshire shores and see the number of areas prohibited for use to the public—"Keep out"; "For use only by residents of this town"—these are the signs that are appearing all over our seashore areas. This is one of the things that this bill is attempting to cure.

Mr. Speaker, the population of the Nation continues to increase but no corresponding increase is noted to preserve our natural recreation localities for the growing mass population. If anything is to be done about it, it must be done quickly. It ought to be done now. The Great Beach area at the tip of Cape Cod is one of the most ideal of all the spots in the United States to establish an outstanding recreational facility. There is no longer any comparable region in New England, and for that matter in any part of the United States, that is more desirable for extensive seashore recreation. It offers one of the finest opportunities available to preserve into perpetuity a magnificent playground for all America. Its development as a national seashore area will do much for the people and the nearby communities on the cape.

Mr. Speaker, I am convinced that now is the time for the establishment of this park along the lines recommended by the bill reported from the Committee on Interior and Insular Affairs. This legislation provides for the inclusion of about 25,700 acres within the boundaries of the Cape Cod National Seashore area. These 25,700 acres constitute 10 percent of the whole of Cape Cod.

The Cape Cod National Seashore bill passed by the Senate 2 weeks ago provides for about 30,367 acres to be included in the park boundaries. I agree with the committee determination on this matter. I feel that this bill is adapted to the special requirements of the people who live on the lower cape. This legislation incorporates provisions which will suit the Cape Cod environment and at the same time insure the establishment of a first-rate park area. It is flexible enough to accommodate a healthy future growth for the cape and yet preserve an outstanding area for public enjoyment and conservation. I hope that this bill recommended by the House will prevail in the House-Senate conference over the version of the legislation passed 2 weeks ago by the Senate.

Mr. Speaker, I urge the House to act today on this bill so that we can take advantage of this great national asset on the cape. Continued delay means an uncertain and extended period of transition for communities on the cape. Hopes have been aroused and we should in all fairness try to bring this matter to a decision as soon as possible.

I am convinced that the majority of the people in the area directly affected by the proposal—the lower cape towns of Chatham, Orleans, Eastham, Wellfleet, Truro, and Provincetown—support a national seashore park on Cape Cod along the lines set forth in this bill. This legislation will preserve the scenic and historic features of Cape Cod without injuring or unduly restricting the towns and individual citizens directly concerned. Further delay can only inconvenience everyone and harm the basic interests of the project. Individual homeowners will not know what to do with their property. Long-range zoning and economic planning efforts of the towns will be frustrated. Further commercial inroads will corrupt more of the area's natural beauty.

Mr. Speaker, it was along the Atlantic Ocean side of Cape Cod, between what are now Wellfleet and Eastham, that the Pilgrims caught their first sight of land on November 9, 1620. The bold, sandy shore facing the Atlantic has been the subject of comment since white men landed here. At Provincetown and Truro there are 8 square miles of some of the most spectacular dunes along the Atlantic coast. The dunes are of post-glacial origin, built up by ocean currents and wind with material eroded from the outer banks.

Variety, change, and color are the elements that bring fascination and appeal to the scenic qualities of the outer arm of Cape Cod. Nearly one third of the people of our Nation live within a day's drive of the area. Cape Cod is located adjacent to a regional area of the highest population density and the largest concentration of people in the United States. In the decades ahead there is going to be an increased need for more recreational facilities because of America's unprecedented opportunities for leisure. Many of our people now or soon will be able to devote as much time to activities of their own choice as to their occupations. Yet, as a nation, we are very slow to adapt our public policies so as to improve the quality and breadth of recreational experience for the Nation.

Mr. Speaker, may I urge my colleagues to vote this legislation through the House today so that it will be possible to establish a great national park in an area which may otherwise be increasingly blighted by the relentless and sweeping advance of commercial development.

If a national seashore park of this nature is not established on Cape Cod, there is every danger that much of the cape will become a mere extension of the suburban civilization which typifies so many of our lives. If we act sensibly now, while the opportunity remains, we shall have preserved for America and for our people a priceless heritage to be enjoyed many times over, not only by this generation, but by those which follow.

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GROSS. Mr. Speaker, is it not the fact that the rules of the House provide for division of debate under suspension of the rules in order to have 20 minutes in support of a measure and 20 minutes in opposition to the measure?

The SPEAKER pro tempore. The Chair would think that that is correct.

Mr. GROSS. Mr. Speaker, I am shocked to learn that the author of the bill is unable to obtain any time whatever in support of his own bill. Therefore, under the circumstances, and although I am opposed to the bill, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. KEITH] to present his own bill.

Mr. KEITH. Mr. Speaker, the question has been asked—why should this be a national seashore? You have but to go to Cape Cod, particularly to the lower extremities, and you will find that more than 50 percent of the cars are registered from out of State.

The question has been raised as to the cost of the seashore. The original proposal would have cost many more millions of dollars than the $16 million that we have provided. But under the terms of our bill, all residential property is excluded from the seashore. Only unimproved property is to be taken.

The question has been raised as to whether we should not delay this for a couple of years to get a proper perspective of the country's needs. This land is being gobbled up rapidly. If we do not take it now we may never have this opportunity again.

I have lived on the cape pretty close to all the summers of my life. The people down there are divided in their support of this measure. Many of them still are opposed to it. But the committee and the sponsors of this bill, my colleagues from Massachusetts, and others, have worked out a bill which makes it possible to have a national seashore on the cape which will be compatible with local needs and at the same time serve the national purpose. We have no other alternative if we are to preserve for the generations to come such places where they can enjoy a view of the ocean, the sand of the seashore, and the historical significance of this particular area.

The legislation before us today represents a significant step forward in solving the problem of the vanishing American shoreline. Increased population, improved highways, shorter workweeks and longer vacations have brought to much of the Atlantic coast a congested resort atmosphere. With this deterioration of our once virgin shoreline has come a grave national concern for the preservation of seashore areas for the enjoyment of future generations. The historic and scenic beauties of Cape Cod—its old villages with their links to the days of the Pilgrim, the raw beauty of the unmolested sand dunes, fresh water lakes, marshes and heaths in which numerous varieties of plants and animals dwell—as well as the proximity of the cape to the urban centers of the Northeast, make Cape Cod one of the most desirable areas for preservation.

The establishment of a national seashore on Cape Cod is not a new idea. Representatives of the State government have long advocated it. Members of the Massachusetts delegation have introduced bills authorizing a park there for many years, and the National Park Service conducted 5 years of study on this area prior to the introduction of the Saltonstall-Kennedy-Keith bill in September of 1959.

The time, cooperation, and hard work of many, many people have made congressional consideration of this legislation possible. First of all, our Massachusetts Senators and their staffs have been instrumental in the development of the proposal. Their imagination and farsightedness contributed immeasurably to the excellence of the bill.

The membership of the House Interior and Insular Affairs Committee deserves much of the credit for devoting so much time and careful study to this precedent-setting measure. The Public Lands Subcommittee of the last session, under the chairmanship of GRACIE PFOST, and the new National Parks Subcommittee under Chairman RUTHERFORD made special trips to the cape to hear the views of the people and survey the seashore area. The measure which they have reported reflects their deep interest in conservation and their devotion to both the needs of the Nation and the cape towns.

Throughout the several years we have been working on the improvement and perfection of the proposal, the National Park Service has been cooperative and helpful. These men, who have devoted many hours to answering our inquiries and acquainting us with procedures for administration of national land reservations, certainly deserve our thanks.

Most importantly, I want to take this opportunity to commend the residents and officials of the cape along with the many other interested individuals too numerous to mention. Without their patience with the legislative process and significant contributions to the improvement of this legislation, it would not be before us today.

The area proposed as a national seashore in this bill is not wilderness. It is a new concept in national park sites, for it encompassed parts of highly developed and self-sufficient communities. For this reason, Senator SALTONSTALL, former Senator, now President, Kennedy and I devoted many months of deliberation and work in the drafting of a unique bill to fit the unique challenges of the proposed seashore. Our responsibility was twofold—to preserve the area for the enjoyment of future generations on the one hand, and to protect the rights of the many residents within the seashore area and assure the maintenance of a sound tax base in the six towns involved.

We therefore provided in our bill that all residences constructed prior to September 1959 would remain in private ownership so long as the town in which the property is located has a zoning code approved by the Secretary of Interior. This protects the homeowner for all time and gives the towns the needed tax revenue.

Since the boundaries included so much privately owned land in each town, we knew that the success of the seashore would depend upon cooperation and mutual trust between the cape and the Federal Government. We therefore established an Advisory Commission, composed of representatives of the six towns, the county, the Commonwealth and the Interior Department, to help set the policies governing the establishment of the seashore and its future administration. The Commission will advise on the creation of public use areas and commercial development. It will play a vital role in coping with such problems as transportation, police protection and visitor accommodations which will inevitably arise from the creation of this seashore.

Perhaps the most important aspect of the measure is the emphasis we have given to "conservation" in contrast to "recreation." We felt that conservation should be clearly spelled out in the legislation because the major intent of the Federal Government in its desire to administer the area is to preserve it in as close to its present state as possible.

We all know that there are at present sufficient recreational facilities in Massachusetts and along the eastern seaboard to accommodate those who seek them out. To allow the cape to become open to unrestricted commercial exploitation would have been to destroy the very beauty and character of the area, which the Federal Government is attempting to preserve. In our provision describing the uses for which the Secretary may develop the seashore, we made unmistakably clear that the primary intent of this proposal is to conserve and preserve the area.

The version before you differs from the bill passed recently by the Senate in three major respects. The Senate bill contains a contract clause which would allow the Secretary to enter into a purchase agreement with private homeowners prior to the appropriation of funds. This was stricken from my bill by the House committee. I am hopeful that, if the committee on conference does not add this feature to the bill, the Congress will adopt the alternative suggested by the Budget Bureau; namely, to authorize the Secretary to use any appropriation available at the time to the National Park Service for construction.

The tenure of the Advisory Commission in the Senate bill is limited to 10 years, after which their function reverts to the town selectmen, while the House version provides that the Commission serve for the life of the seashore. The major purpose of the Advisory Commission is to consult with the Secretary on policy matters and to advise on regional problems and development. These functions seem to me too broad to be decided by the separate towns.

Finally, the size of the seashore proposed in the House bill is 25,700 acres while the Senate bill contains about 30,367 acres. The committee of both Houses have eliminated the payments in lieu of taxes provision from the legislation. The House bill more adequately recognizes the need of these towns for high-grade residential development. This smaller seashore is necessary if these towns are to retain their identity and character. The tax base is essential if they are to furnish the services the seashore will demand.

This bill assures a national seashore which will work to the benefit of both the cape and the Nation and represents a step forward in progressive and farsighted national park legislation. The House committee has devoted extraordinary time and study to this bill, and I hope that their philosophy will prevail in the House-Senate conference.

This legislation was carefully conceived, thoughtfully written, and painstakingly revised and improved, and I urge its passage by the House.

Mr. GROSS. Mr. Speaker, I yield myself the 3 minutes remaining to me.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. CONTE. Mr. Speaker, I rise this beautiful summer day to speak on behalf of the multitude of Americans who would like to enjoy the beauty of such a day as this on Cape Cod.

It is significant to estimate the number of people within 1 day's travel time from this spectacular finger of land that protrudes into the Atlantic. The urban areas of the East and Northeast that could be included in such an estimation contain nearly one-third of the population of the United States. This, of course, does not consider the number of travelers from all the other areas of the United States that each year visit New England, so when I say a multitude of Americans, I do not exaggerate. I am sure they would prefer a Cape Cod unspoiled by the encroachments of a spreading population and urban development.

The cape is not just a long beach that can accommodate a main street lined with tourist facilities. It is much more than a place for vacationing college students. The natural beauty of constantly shifting sand dunes and inland lakes, combined with the ocean beaches, produces a unique phenomenon.

The entire area encompassed by the Senate legislation and the bill filed by myself is the only remaining possible site for a Cape Cod national seashore

park. It would seem only reasonable to maximize the acreage of the park at this time, for there will be little chance to add to the park in the future.

Already commercial development and exploitation have destroyed much of the beauty that we are now trying to save. Since an extensive mutual understanding has been reached between the people of the towns located on the cape and the Federal Government, surely this is the opportune time to create the largest possible acreage of natural beauty. The case for a larger park would not be half so strong if there was an abundance of prospective park sites in the immediate vicinity, or if we did not have this area of agreement. I emphasize, however, that a glance at the map of the Atlantic seaboard reveals no comparable shoreline which equals this area in recreational and scenic assets.

The concentration of our population in the past few decades has obviously fallen into the pattern of urban and suburban categories. The economic resources of these groups of our people have made possible extensive travel and mobility. Social trends combined with these economic advantages have brought about increased usage of all the shore areas of our Nation, whether they be on coastal shores or inland waterways. Cape Cod is an example of the great need resulting from these social and economic trends.

Tracts of land have been bought, homes or lodgings built, natural beauty destroyed. We seek not to limit the people's freedom of access to the area but preserve the characteristics that have already attracted so many of us.

We all know the history of our national park system and the findings of studies concerning its adequacy. These studies have more or less been the source for the introduction of legislation to create three new seashore parks. So we of the Northeast are not alone in our recognition of the value of such seaboard areas.

I am sure that all of us recognize the importance of preserving areas of our country in their natural state. I simply urge that since the opportunity is before us we preserve the maximum acreage of the natural beauty and historic quality which is associated with Cape Cod.

Mr. GROSS. Mr. Speaker, I should like to ask the chairman of the subcommittee, the gentleman from Texas [Mr. RUTHERFORD], if this bill does not provide that a person owning property in this area, which would be taken over by the Federal Government, may occupy it for the rest of his life?

Mr. RUTHERFORD. It does.

Mr. GROSS. What kind of precedent are we setting here?

Mr. RUTHERFORD. This is not a precedent. It has been done in the case of a number of other national parks.

Mr. GROSS. If this bill is passed, will the State of Texas come in with a multi-million-dollar proposal to take care of Padre Island on the Texas gulf coast? Is not this bill an inducement for Texas to come in and ask for huge sums of money for the establishment of a national park in that area?

Mr. RUTHERFORD. The gentleman will remember, Mr. Speaker, that at the outset I said I should indulge in no subterfuge, that later California would possibly come in with a proposal to establish the Point Reyes National Park and Texas the Padre Island Park. I have not attempted to indulge in any subterfuge whatsoever.

Mr. GROSS. Taking the taxpayers into consideration, does not the gentleman think it would be a good idea to reject this bill and wait until the Californians and the Texans come in with their huge projects? Some of the Members who have spoken in behalf of this bill indicate clearly that $100 million will be required rather than $16 million for Cape Cod. I think we ought to get all these projects together in one place, take a good hard look at them and see whether the taxpayers of this country who have just had a debt increase saddled on them up to $298 billion; to see whether they can afford some of these things. Does not the gentleman think that is a reasonable thing to do?

Mr. RUTHERFORD. I may say to the gentleman from Iowa that the fact is we are considering the taxpayers because to delay action on this bill would increase the cost we will have to pay to establish a national seashore. The taxpayers are getting consideration.

Mr. GROSS. That, of course, is an assumption on the part of the gentleman from Texas.

Mr. RUTHERFORD. That is correct.

Mr. GROSS. I know one thing that is dead sure: If you do not stop spending money on projects of this nature the taxpayers are going to get hit right in the face with a nice fat tax increase. The gentleman will agree with that too, I am sure.

Mr. Speaker, the taking of hundreds of thousands of acres off the tax rolls as is being proposed in Massachusetts, Missouri, California, Texas, and elsewhere simply means that those States will eventually come crying to Washington for some form of relief from their revenue losses. It would be a wonderful thing to have a huge national park in every State of the Union, but someone has to put up the money to acquire the land. Then roads and other facilities must be built and the Federal Government for all time must maintain these parks and improvements.

Meantime, the States and other local subdivisions of government have suffered serious losses of revenue and the raids on the Federal Treasury start all over again. I urge again that this bill be rejected until fiscal sanity has been restored in this Government.

Mr. RUTHERFORD. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. BURKE] for a consent request.

Mr. BURKE of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to associate myself with my colleagues from Massachusetts in support of the establishment of the Cape Cod National Seashore Park. The purpose of this legislation is to provide for the creation and administration of a national seashore at Cape Cod, Mass., as a unit of the national park system.

Proposals supporting this type of legislation date back to the 1930's when it was included in an overall review by the National Park Service of potential national seashores. A more intensive study was made some 5 or 6 years ago when it was found that Cape Cod was one of the few sizable seashore areas that had not been developed. The greatest single natural feature of proposed national seashore is the unbroken sweep of 40 miles of coastline along the Atlantic Ocean.

The passage of this legislation will help conserve the natural beauty of Cape Cod—it will conserve the scenery, with its quaint and rustic backgrounds, it will serve as a reminder of an older and quieter way of life that seems to be lost in today's rush and hub-bub of life, it will protect and preserve the God-given beaches for all Americans to enjoy.

Mr. RUTHERFORD. Mr. Speaker, I yield such time as he may desire to the gentleman from Massachusetts [Mr. LANE].

Mr. LANE. Mr. Speaker, last week many tourists came to Cape Cod, Mass., looking for the new seashore national park. Their anticipation was a bit premature, but I cite it as evidence of the great interest of the people in a recreational area set aside for public enjoyment on historic and beautiful Cape Cod.

The place where the Pilgrims first landed should be set aside as a national seashore park, before its identity is obliterated by the advance of the bulldozers and the cheapening effects of commercialization.

One-third of the Nation's population lives within 1 day's drive of this area.

Unless we pass this bill to set aside a few thousand acres as a sanctuary under the supervision and care of the National Park Service and for the benefit of all Americans, we may have lost our last chance to establish a seashore park along the 600-mile coastline from Portland, Maine, to Norfolk, Va. This need has been under discussion for over 20 years, and the first bill to preserve a section of Cape Cod as a unit of the National Park Service system, was introduced over 5 years ago.

The park will extend 40 miles along the outer coast from quaint Provincetown to the tip of Nauset Beach. Its average width is 1 mile, and its maximum width 4 miles. It is rich in the natural attractions which are a delight to tourists from all over the Nation. The clean invigorating air and the impressive sand dunes are backed up by woods, ponds and marshes which are a natural home for a wide variety of birds.

Stewart L. Udall, Secretary of the Interior, has advised us that—

> We are in a race between those who would develop the last, best segments of the seashore for industrial and other purposes and those who would preserve these limited areas

for the health, inspiration, and enjoyment of the people for all time.

Human beings cannot find fulfillment in material progress alone. They must have unspoiled retreats, saved from the ravages of a synthetic civilization, where they can replenish their spirit in the harmony of natural surroundings. To conserve them, as part of the public domain and accessible to all tourists, is in the best tradition of our free and democratic society.

This section of Cape Cod is one of the few havens left along the Atlantic coastline, that are available for a seashore park. By providing for the establishment of the Cape Cod National Seashore Park, we shall protect a paradise that will enrich the lives of this and succeeding generations with the natural beauty created by God that no man will destroy.

Mr. KIRWAN. Mr. Speaker, I yield such time as he may desire to the gentleman from Massachusetts [Mr. PHILBIN].

Mr. PHILBIN. Mr. Speaker, this bill commends itself to all those who believe in the conservation of natural resources for the use and enjoyment of all the people.

The committee has done a fine job in conducting extensive hearings, making penetrating studies, and preparing the bill in such a way as to eliminate practically all substantial opposition.

Certainly, most of the serious objections have been largely overcome and resolved and in that regard, I wish to express commendation and appreciation to my able and distinguished colleague, the gentleman from Massachusetts [Mr. KEITH], who represents the Cape Cod district, for his very capable, skillful, untiring, and long-continued efforts which have so greatly contributed to the conciliations and meetings of the mind that assisted the committee in shaping this very comprehensive, forward-looking, and understanding bill.

This bill does not involve extreme eminent domain powers. In general, only unimproved land will be affected.

There is no unwarranted or injudicious taking of private property; the rights of local communities and the State of Massachusetts have been duly considered and respected consistently with the high purposes of serving the public good and protecting Cape Cod against harmful commercial exploitation and from deteriorating in large measure into a honky-tonk paradise and litter ground.

This bill is imperative; it is constructive; it is sound; it is well considered; it is farsighted; it is preservative of one of the most beautiful scenic and recreational areas in the Nation. Its adoption is in the local, State, and National interest.

I have every confidence that the House will move swiftly and overwhelmingly to approve this splendid measure which is in the true interests of proper, desirable, and necessary conservation.

I urge the House to take favorable action and am confident it will do so.

Mr. DONOHUE. Mr. Speaker, I earnestly hope the House will approve this bill, H.R. 5786, providing for the creation and administration of a national seashore at Cape Cod, Mass., as a unit of the national park system without extended delay and debate.

As has been revealed, this bill, and similar ones in the past Congresses, has been the subject of multiple hearings by the Committee on Interior and Insular Affairs. I believe the committee should be congratulated for the wealth of material in support of the establishment of this national park unit it has developed by its most thorough study and investigation.

This is not a newly proposed project, contrary to the impression generated by a few Members here; its proposal for establishment goes back to the 1930's, when it was included in an overall review by the National Park Service of potential national seashores.

The greatest single natural feature of this proposed national seashore is an unbroken sweep of 40 miles of coastline along the Atlantic Ocean. This is one of the few lengthy coastal areas in the United States that is still virtually in a state of nature and it is the longest on the Atlantic coast north of Cape Hatteras. It was along the Atlantic side of this coast between what are now Wellfleet and Eastham that the Pilgrims caught their first sight of land on November 9, 1620.

The major emphasis of this bill, and the major emphasis of the National Park Service in administering the national seashore established will be, of course, on conserving the values which now make Cape Cod so attractive to so many people and which are in such great danger of being lost—its scenery, its wildlife and flora, its homes, dating from periods long past, and its historical association.

All of the authorities essentially agree that Cape Cod is a uniquely beautiful area which is well worth preserving as a part of the American heritage. As you have all heard repeated here several times, Cape Cod is one of the very few sizable seashore areas between Maine and Mexico that has not been developed.

It is unfortunate that in any project of this kind every segment interested cannot be entirely satisfied, but it appears that the recommendation of the committee, after long study and many hearings, represents the best boundary compromise obtainable. I, therefore, again urge the House to approve this measure.

Mr. SAYLOR. Mr. Speaker, I want first to emphasize the nonpartisan nature of the proposal to establish the Cape Cod National Seashore. The House bills by Messrs. KEITH, BOLAND, LANE, CONTE, and MORSE illustrate this. The Senate bill, by Senators SALTONSTALL and SMITH of Massachusetts, make it clear. The support which President Eisenhower and Secretary Seaton gave to this proposal has been carried on by President Kennedy and Secretary Udall. The unanimity with which the Subcommittee on National Parks and the Committee on Interior and Insular Affairs acted on H.R. 5786 is further evidence of its nonpartisan character. This is as it should be. H.R. 5786 is a conservation measure.

I want to emphasize, in the second place, that the Cape Cod National Seashore has both national support and local support. It is supported by such organizations as the National Wildlife Federation, the Izaak Walton League of America, and the National Parks Association. It is supported by the present Governor of Massachusetts and his predecessor in office. It is supported by the commissioner of natural resources of the State and by the State legislature. And, notwithstanding the bitterness of the controversy that sometimes seemed to rage among the good people of Cape Cod, it is supported by at least 70 percent of the residents of the area immediately affected. We have, in short, evidence of strong support all up and down the line.

The third thing I want to emphasize about the Cape Cod proposal is its national importance. Whether we think of it in terms of history or in terms of contemporary enjoyment, Cape Cod's importance far transcends the interests of the local property owners or even the interest of New England. The story of the Pilgrims and their landing on Cape Cod in 1620 belongs to all of us, just as the story of Sir Walter Raleigh and his settlement in North Carolina belongs to all of us. So, also, for the enjoyment that Cape Cod can give us as 20th century Americans. Cape Cod is and should continue to be a gathering place for Americans from all parts of the country. It is its unspoiled scenery and its historical associations that attract us—not pinball alleys or dine and dance taverns or slot machines. We go to Cape Cod for recreation in the best sense of the word, not for amusement. The recreation that we seek and get there can be only a product of conservation, and I am glad to call to your attention the weight that the bill puts on the conservation function of the seashore area we are establishing. The wonder is that, with all the population pressures that there are in the vicinity of Cape Cod, it has been able to remain as it is for as long as it has. True, it is no longer precisely what it was when Thoreau tramped across its acres. True, also, it is on the verge of still more changes and not for the better. But it is not too late to save and preserve it. This is what enactment of H.R. 5786 will help us to accomplish.

Finally, I want to emphasize the care with which the local people's interests in Cape Cod are kept in the picture under H.R. 5786, notwithstanding that the final say is, as it must be, in those who are responsible to Congress and the President. Look, for instance, at the provisions of section 8 of the bill. They set up an advisory commission, 9 out of 10 of whose members are to be appointed on nominations of the selectmen of the towns concerned, the commissioners of Barnstable County, and the Governor of Massachusetts. Or look, again, at section 7(c), having to do with hunting and fishing, and at its provisions that there may be no such activities unless they are compatible with local law. Or look at the elaborate provisions of sections 4, 5, and 6 which set severe limits on the power of the Secretary of the Interior to condemn residential property, encourage the adoption of zoning

ordinances, and protect householders who conform to those ordinances. It cannot be said, by any stretch of the imagination, that the Congress is not fully aware of the fact that, in this bill, it is moving into a settled area and that it is not doing all that it can reasonably do to adapt national operations to local needs.

Mr. Speaker, it would be wrong if I did not say that I, personally, wish a larger part of Cape Cod could be included within the national seashore than has been included. Unfortunately, that could not be. What is included was thoroughly discussed in committee. All of us strove to achieve a just balance between the needs of the towns for elbow-room and the needs of the Nation for a quiet place for retreat from the noise and confusion of our cities. I think we achieved such a balance. I am glad of the part I played in achieving it and I compliment all my fellow members of the Committee on Interior and Insular Affairs, whether they see eye to eye with me or not, on the complete willingness to compromise their differences. I commend the results of the committee's work to all Members of the House and urge a favorable vote on H.R. 5786.

Mr. CURTIS of Missouri. Mr. Speaker, I want the record to show why I am voting against suspending the rules and passing H.R. 5786. The additional views of Congressmen KYL and DURNO on page 29 of the committee report contain this statement:

> Attention should also be drawn to the fact that this legislation represents a relatively new concept, in that the proposed seashore would be created entirely on land now privately owned. For this reason and many others, the legislation should be thoroughly and carefully considered.

Suspending the rules of the House does not permit thorough and careful consideration. I cannot understand why H.R. 5786 was not presented to the House under a rule so adequate consideration could be given to its merits and amendments could be offered and adopted if meritorious.

I think I probably would favor H.R. 5786 after adequate consideration had been given to it by the House. My vote is against the procedure of suspending the rules instead of considering the matter under a rule in orderly fashion.

Mr. RUTHERFORD. Mr. Speaker, I yield such time as he may desire to the gentleman from Ohio [Mr. KIRWAN].

Mr. KIRWAN. Mr. Speaker, I congratulate the committee for coming in here today and proposing a bill to be financed on a direct appropriation basis instead of running around the Congress of the United States and giving our authority away to people downtown.

I believe it is important to bring to the attention of the House that the companion bill S. 857, which passed the Senate on June 27, 1961, carries a back-door provision authorizing the Department, in advance of any appropriation, to go ahead and purchase $16 million worth of land.

This bill passed the Senate on a voice vote and, I believe, there was not one mention of this back-door provision. This is the first time this back-door provision has been included for acquisition of park lands—but if this precedent should prevail it will be just the beginning. Already at least two other park bills have been introduced in the Senate with this same back-door financing.

Here is the language under section 2(b) of the Senate bill:

> The Secretary shall have authority to incur obligations and enter into contracts involving the expenditure of funds authorized by section 9 of this act for the acquisition of property and this action in doing so shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated.

Just what does this language mean? It means that without any budget estimate or any advance appropriation the Secretary of the Interior is given complete authority to go ahead and buy $16 million worth of land in the Cape Cod area.

It means that Congress would be completely delegating its responsibility for reviewing the financial aspects of this land program to assure that only reasonable prices are being paid and to control the rate of expenditure in relationship to other park requirements.

The legislative committees, and properly so, have not gone in any great detail into the financial aspects of this program. The House committee admits in its report that "there was considerable controversy among the witnesses as to the adequacy" of the $16 million.

I believe we have a serious fiscal responsibility to the Nation to assure that Federal moneys are being expended wisely and economically and we cannot accomplish this unless we require these Departments to submit and justify their financial requirements in the regular annual budget process.

On the floor of this House 2 weeks ago a Member presented a very fine argument on raising the debt limit and stated that our Nation would be in chaos unless we passed that bill. We had no alternative. But we can do something about our future expenditures and assure that we run our Government on a sound fiscal basis.

We all were on the floor the other day and heard the gentleman from Texas [Mr. MAHON], ask the question, What are we going to do about it from today on? He suggested that we resolve that when we vote to authorize a new program that at the same time we vote the money to pay our way so that we will not engage in deficit spending and necessitate having to annually increase the debt limit.

Already back-door amounts pending in legislative bills and propositions total almost $24 billion for this session alone. There are amounts which would be outside the normal budgetary and appropriation processes.

Certainly we should not add the Park Service, which we have been funding on an annual appropriation basis since 1916, to this long list of back-door items where we are delegating our fiscal responsibilities to the departments downtown.

We all know what has happened in many of these programs when we lost control. Over $700 million was spent for tungsten, and $557 million was excess to even our maximum stockpile requirements. Over 20 percent of the purchases were of nonstockpile grade. These cost us $158 million and now we are paying $1,386,000 just for one contract to upgrade a small fraction of the inventory.

We all know the story of what has happened under the Federal aid highway bill.

If we are going to have fiscal sanity, if we are going to know what we are spending and how it is being spent, we must put a stop to authorizing back-door and side-door runs on the Federal Treasury. We cannot go on delegating our job to the Departments by giving them contract authorities and borrowing authorizations in these authorizing bills. How can we assure a balanced program of Federal expenditures within what we can afford to spend, if every legislative bill, without relationship to other needs, authorizes the Departments to go ahead and make a run on the Federal Treasury. Yet the Senate version of this bill we are considering today bypasses the Congress and authorizes the Department to go ahead and commit $16 million, or more perhaps, without any further required congressional review. And there will be others if this precedent is allowed to go through.

I believe Secretary Udall is doing a fine job, but we have a job to do also. It is our responsibility to the taxpayers to not only authorize programs but to assure that they are carried out effectively and economically and in proper balance with other requirements.

I hope the House conferees when they meet with the Senate will stay with their guns and throw out the back-door provision. The Secretary of the Interior, in his letter on this bill after citing some administrative advantages of the contract authority stated the following:

> We realize that some of the foregoing advantages might be achieved in alternative ways, and that contract authority is a departure from the normal budgetary and appropriation process in that it removes some of the controls ordinarily exercised by Congress.

Certainly, he has warned us in advance what we are threatening to do. I hope the House conferees do their job and insist on striking this Senate provision so that the Department will come through the front door to the Committees on Appropriations with a budget request and get its money in the regular way.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired. All time has expired.

The question is on the motion of the gentleman from Texas [Mr. RUTHERFORD] that the House suspend the rules and pass the bill H.R. 5786.

The question was taken; and the Speaker pro tempore announced that in his opinion the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 278, nays 82, not voting 77, as follows:

[Roll No. 110]

YEAS—278

| | | |
|---|---|---|
| Abbitt | Garmatz | Norrell |
| Abernethy | Gary | Nygaard |
| Adair | Gathings | O'Brien, Ill. |
| Addabbo | Gavin | O'Hara, Ill. |
| Addonizio | Giaimo | O'Hara, Mich. |
| Albert | Goodell | Olsen |
| Alexander | Gray | Osmers |
| Alford | Green, Pa. | Patman |
| Andersen, Minn. | Griffin | Pelly |
| | Griffiths | Perkins |
| Andrews | Gubser | Philbin |
| Aspinall | Hagan, Ga. | Pike |
| Avery | Haley | Pilcher |
| Ayres | Hansen | Pirnie |
| Bailey | Hardy | Poage |
| Baldwin | Harris | Powell |
| Baring | Harrison, Wyo. | Price |
| Barry | Hays | Pucinski |
| Bass, Tenn. | Hechler | Quie |
| Bates | Herlong | Rabaut |
| Battin | Holifield | Randall |
| Beckworth | Holland | Reifel |
| Bell | Holtzman | Reuss |
| Bennett, Fla. | Hosmer | Rhodes, Ariz. |
| Berry | Huddleston | Rhodes, Pa. |
| Betts | Ichord, Mo. | Rivers, Alaska |
| Blatnik | Ikard, Tex. | Rivers, S.C. |
| Boggs | Inouye | Robison |
| Boland | Jensen | Rodino |
| Bolling | Joelson | Rogers, Colo. |
| Bolton | Johnson, Calif. | Rogers, Fla. |
| Bow | Johnson, Md. | Rogers, Tex. |
| Bray | Johnson, Wis. | Rooney |
| Breeding | Jones, Ala. | Roosevelt |
| Brewster | Judd | Rostenkowski |
| Bromwell | Karsten | Roush |
| Brooks, La. | Karth | Rutherford |
| Brooks, Tex. | Kastenmeier | Ryan |
| Brown | Kee | St. George |
| Broyhill | Keith | Saund |
| Burke, Ky. | Kelly | Saylor |
| Burke, Mass. | Keogh | Schneebeli |
| Burleson | Kilday | Schwengel |
| Byrne, Pa. | Kilgore | Scott |
| Carey | King, Calif. | Scranton |
| Casey | King, Utah | Seely-Brown |
| Chelf | Kirwan | Selden |
| Chenoweth | Kluczynski | Sheppard |
| Chiperfield | Kowalski | Shipley |
| Church | Kyl | Short |
| Clark | Landrum | Shriver |
| Coad | Lane | Sibal |
| Cohelan | Lankford | Sikes |
| Colmer | Lennon | Sisk |
| Conte | Lesinski | Spence |
| Cooley | Libonati | Springer |
| Corbett | Lindsay | Stafford |
| Corman | McCormack | Staggers |
| Cunningham | McDonough | Steed |
| Curtis, Mass. | McDowell | Stephens |
| Daddario | McFall | Stratton |
| Daniels | McIntire | Stubblefield |
| Davis, John W. | McSween | Sullivan |
| Davis, Tenn. | Macdonald | Taylor |
| Delaney | Machrowicz | Teague, Calif. |
| Dent | Mack | Teague, Tex. |
| Denton | Magnuson | Thomas |
| Derwinski | Mahon | Thompson, N.J. |
| Dingell | Mailliard | Thompson, Tex. |
| Dominick | Marshall | Thomson, Wis. |
| Donohue | Martin, Mass. | Thornberry |
| Dorn | Mathias | Toll |
| Downing | Matthews | Trimble |
| Doyle | Merrow | Tupper |
| Dwyer | Miller, Clem | Ullman |
| Edmondson | Miller, George P. | Vanik |
| Elliott | | Van Zandt |
| Ellsworth | Mills | Vinson |
| Everett | Minshall | Wallhauser |
| Evins | Monagan | Watts |
| Fallon | Montoya | Weaver |
| Farbstein | Moorehead, Ohio | Westland |
| Fascell | | Whalley |
| Feighan | Moorhead, Pa. | Whitener |
| Finnegan | Morgan | Whitten |
| Fisher | Morris | Widnall |
| Flood | Morrison | Willis |
| Fountain | Morse | Wright |
| Frazier | Moss | Yates |
| Frelinghuysen | Moulder | Young |
| Friedel | Murphy | Younger |
| Fulton | Murray | Zablocki |
| Gallagher | Natcher | Zelenko |
| Garland | Nix | |

NAYS—82

| | | |
|---|---|---|
| Anderson, Ill. | Flynt | MacGregor |
| Arends | Ford | Martin, Nebr. |
| Ashbrook | Forrester | Mason |
| Ashmore | Glenn | Meader |
| Baker | Goodling | Michel |
| Becker | Grant | Miller, N.Y. |
| Bcermann | Gross | Milliken |
| Belcher | Hall | Moore |
| Bennett, Mich. | Harsha | Mosher |
| Blitch | Harvey, Ind. | Nelsen |
| Broomfield | Harvey, Mich. | Norblad |
| Bruce | Henderson | O'Konski |
| Byrnes, Wis. | Hiestand | Ostertag |
| Cahill | Horan | Poff |
| Cederberg | Johansen | Ray |
| Chamberlain | Jonas | Reece |
| Clancy | Jones, Mo. | Richlman |
| Curtin | King, N.Y. | Roudebush |
| Curtis, Mo. | Kitchin | Rousselot |
| Dague | Kornegay | Schadeberg |
| Davis, James C. | Kunkel | Schenck |
| | Laird | Schweiker |
| Dcrounian | Langen | Siler |
| Diggs | Latta | Smith, Calif. |
| Dole | Lipscomb | Taber |
| Dowdy | Loser | Tollefson |
| Durno | McMillan | Van Pelt |
| Findley | McVey | |

NOT VOTING—77

| | | |
|---|---|---|
| Alger | Halleck | Pillion |
| Anfuso | Halpern | Rains |
| Ashley | Harding | Riley |
| Auchincloss | Harrison, Va. | Roberts |
| Barrett | Healey | St. Germain |
| Bass, N.H. | Hébert | Santangelo |
| Bonner | Hemphill | Scherer |
| Boykin | Hocven | Shelley |
| Brademas | Hoffman, Ill. | Slack |
| Buckley | Hoffman, Mich. | Smith, Iowa |
| Cannon | Hull | Smith, Miss. |
| Celler | Jarman | Smith, Va. |
| Collier | Jennings | Thompson, La. |
| Cook | Kearns | Tuck |
| Cramer | Kilburn | Udall |
| Dawson | Knox | Utt |
| Devine | McCulloch | Walter |
| Dooley | Madden | Weis |
| Duiski | May | Wharton |
| Fenton | Moeller | Wickersham |
| Fino | Multer | Williams |
| Fogarty | O'Brien, N.Y. | Wilson, Calif. |
| Gilbert | O'Neill | Wilson, Ind. |
| Granahan | Passman | Winstead |
| Green, Oreg. | Peterson | |
| Hagen, Calif. | Pfost | |

So (two-thirds having voted in the affirmative) the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. Harding with Mr. Auchincloss.
Mr. Fogarty with Mr. Collier.
Mr. St. Germain with Mr. Fino.
Mr. Hull with Mr. Devine.
Mr. O'Neill with Mr. Halleck.
Mr. Moeller with Mr. McCulloch.
Mr. Harrison of Virginia with Mr. Pillion.
Mr. Dawson with Mrs. Weis.
Mr. Cook with Mr. Wilson of Indiana.
Mr. Cannon with Mr. Cramer.
Mr. Williams with Mr. Alger.
Mr. Winstead with Mr. Fenton.
Mr. Thompson of Louisiana with Mr. Scherer.
Mr. Hébert with Mrs. May.
Mr. Hemphill with Mr. Hoffman of Illinois.
Mrs. Granahan with Mr. Knox.
Mr. Brademas with Mr. Kearns.
Mr. Multer with Mr. Utt.
Mr. Roberts with Mr. Hoffman of Michigan.
Mr. Celler with Mr. Wharton.
Mr. Duiski with Mr. Hoeven.
Mr. Anfuso with Mr. Wilson of California.
Mr. Santangelo with Mr. Halpern.
Mr. Gilbert with Mr. Dooley.
Mr. Buckley with Mr. Bass of New Hampshire.
Mr. Healey with Mr. Kilburn.

The result of the vote was announced as above recorded.

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 857) to provide for the establishment of Cape Cod National Seashore, a similar bill to the one the House just passed.

The Clerk read the title of the bill.

Mr. GROSS. Mr. Speaker, reserving the right to object, is this an effort to substitute the Senate bill for the House bill?

Mr. RUTHERFORD. No, just the opposite, to substitute the House bill for the Senate bill.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate bill?

There was no objection.

The Clerk read the Senate bill.

Mr. RUTHERFORD. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RUTHERFORD: Strike out all after the enacting clause of S. 857 and insert the provisions of H.R. 5786 as passed.

The amendment was agreed to.

Mr. RUTHERFORD. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RUTHERFORD: Strike out the preamble of S. 857.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

By unanimous consent the proceedings whereby the bill H.R. 5786 was passed were vacated and that bill was laid on the table.

## GENERAL LEAVE TO EXTEND

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent that all Members may have the privilege of extending their remarks in the RECORD just prior to the passage of the bill H.R. 5786.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. MORRIS. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight tonight to file a report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

## CLARIFYING STATUS OF FACULTY AND ADMINISTRATIVE STAFF AT U.S. MERCHANT MARINE ACADEMY

Mr. GEORGE P. MILLER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 576) to amend section 216 of the Merchant Marine Act, 1936, as amended, to clarify the status of the faculty and administrative staff at the U.S. Merchant Marine Academy, to establish suitable personnel policies

tion. This exclusion resulted from the efforts of the then Delegate in Congress, Anthony J. Dimond, who was also reflecting Alaskan sentiment of that day, and based his successful efforts to get Alaska excluded from the Federal protection on the fact that the Territorial law provided bounty for killing the eagle. (However, that amendment of the Federal act did not take place for some years.)

Meanwhile, in Alaska, in the absence of the dollar incentive to shoot an eagle, the eagles began to proliferate immediately. This is highly gratifying to me, as it is to most Alaskans, and it is my earnest hope that we will be able to share our birds with the other States.

There are two ways by which this could be done. One is by our fellow Americans coming to Alaska and seeing the eagles. The Haines-Port Chilkoot scenic area is even stressing in its travel folder that "here is an opportunity to photograph the American bald eagle by the dozen in its last resting ground." So it is clear that apart from the abstract and spiritual values in preserving our national bird, there is also a practical and material value.

The other way in which Alaskans could share the eagle would be, as I have suggested, by transplanting some of the birds to the lower 48 States. That is a matter for ornithologists to study. I hope it may prove to be practical.

## Sacrifice Means Action, Not Words

EXTENSION OF REMARKS
OF
### HON. HOWARD W. ROBISON
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, August 1, 1961*

Mr. ROBISON. Mr. Speaker, I voted on Monday, July 31, in favor of the authorization requested by the President permitting him to call up the so-called Ready Reserves and to extend such tours of active duty as may be necessary, in his judgment, to better prepare us to respond to the Soviet menace posed over Berlin. With some reservations, I shall also vote later this week to give the President the additional $3.5 billion of defense spending he says is necessary.

Those reservations stem from the fact that we have already seen a considerable increase in defense spending since the Kennedy administration took office, including one increase as recently as 4 weeks ago when a spokesman for the administration said, in effect, "our defense budget is now adequate to meet all contingencies," and from the further fact that there is as yet no evidence whatsoever—outside of a vague promise to submit a balanced budget next year—that this administration understands that U.S. strength depends on more things than mere military might.

If the point of all this is to convince Khrushchev that—this time—we mean business, I hardly think that the Russians are shaking in their boots. Last Monday's resolution states only the bare words necessary to give the President what he wanted, but the accompanying report says, in brave language:

> [This] * * * will reaffirm to the nations of the world the dedication of the people of the United States to the cause of peace and freedom.

And, again:

> [This] * * * is America's answer to the threat to our survival.

Then, in more matter-of-fact language, the report explains that the resolution "authorizes the President to order to active duty, without their consent, up to 250,000 members of the Ready Reserve." Thus we have the something less-than-voluntary sacrifice of some 250,000 reservists and their families, while, following the example of their leaders, the other 170 million-odd Americans go merrily on their business-as-usual way, catering to their own personal desires and preoccupied with their own, rather than the Nation's security. What is needed is evidence of our total determination to win the cold war—a determination which the American people, in my judgment, yearn to express but cannot express without strong leadership—the course we are following will not make the Berlin crisis any more real to the great majority of Americans than was the so-called police action in Korea—a war that was not a war and one that we could not win.

Certainly, the sacrifices so far demanded by the President's response to Khrushchev's threats are nowhere near as wide nor as equal as they should be. This does not mean that I advocate the declaration of a national emergency, or an immediate tax increase, or anything of the sort for the time being, but I do think that it is urgently necessary for Congress to undertake—by itself if the administration does not cooperate—an immediate review of the various domestic spending programs we have so far passed this year, as well as of those still awaiting our consideration, and that we put them to this test: Do they facilitate the winning of the cold war? If they do not, they should be put aside for the time being, in favor of a pay-as-we-go preparedness basis, and a determination to preserve not only the form but the historic substance of our Republic which combination will provide the Soviets with much more impressive evidence of our willingness to sacrifice, and of action which—because it involves us all—speaks louder than any words of resolution.

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# HOUSE OF REPRESENTATIVES

## WEDNESDAY, AUGUST 2, 1961

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Hosea 14: 9: *The ways of the Lord are right and the just shall walk in them.*

Eternal and ever-blessed God, grant that in these times, which are so significant and serious in their urgent demands, we may give ourselves sacrificially to the task of preserving and perpetuating our freedom.

Inspire us with a clear vision of those spiritual ideals and principles which are the very foundation upon which humanity must build its fortress of security, its citadel of righteousness, and its temple of peace.

May all who serve our Nation in the affairs of government bear calm and courageous witness to an indomitable faith in Thy divine wisdom which never errs and in Thy divine strength which is inexhaustible.

Hear us in the name of the Captain of our salvation. Amen.

### THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

### LEGISLATIVE APPROPRIATION BILL, 1962

Mr. STEED. Mr. Speaker, I ask unanimous consent that the conferees on the disagreeing votes of the two Houses on the bill H.R. 7208, making appropriations for the legislative branch for the fiscal year 1962, may have until midnight tonight in which to file a conference report on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

### ESTABLISHMENT OF CAPE COD NATIONAL SEASHORE

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 857) to provide for the establishment of Cape Cod National Seashore, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

Mr. GROSS. Mr. Speaker, reserving the right to object, what happens with respect to the Federal financing of this project?

Mr. ASPINALL. The Senate receded and took the House version. There is no provision for Federal financing.

Mr. GROSS. No financing on the part of the Government?

Mr. ASPINALL. That is correct.

Mr. GROSS. I want to congratulate the managers on the part of the House.

Mr. ASPINALL. That was the promise we made to the House when we had the bill on the floor, and we kept our promise.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, I just want to take a moment to compliment the House conferees and let them know how much the people of Massachusetts appreciate their efforts toward the establishment of the Cape Cod National Seashore Park.

As one of the original sponsors of this legislation, I want to personally thank them for a job well done and which will lead to the establishment of a great national seashore park. My interest in this project is well known to the membership here and to the conferees. I filed H.R. 12449 on May 12, 1958, to authorize the Cape Cod National Seashore Park. My colleagues from Massachusetts, Congressman O'NEILL and Congressman PHILBIN, also filed legislation. I filed similar legislation in the 86th Congress along with Congressman Keith, who represents the Cape Cod area, Senator Saltonstall, and the then Senator John F. Kennedy, who, as we know, has a summer home at Hyannisport on Cape Cod. I was also proud to join with Congressman KEITH in sponsoring the legislation in this Congress.

Mr. Speaker, I have always been intensely interested in the establishment of more national parks and preserves to accommodate this Nation's ever-growing population. However, I became particularly interested in the Cape Cod National Seashore Park proposal after studying the National Park Service survey of our vanishing shoreline, and attending the dedication of the Cape Hatteras National Seashore in North Carolina, on April 24, 1958. I filed my original Cape Cod National Seashore Park bill, H.R. 12449, after seeing the 70-mile stretch of beautiful North Carolina coastline, undisturbed and undeveloped, converted into a national park for use by the public in its natural setting. Cape Hatteras was the first of the national seashore type of park. Cape Cod will, I am happy to know, be the second seashore park where people can go for relaxation and enjoyment. I think that the House-Senate conferees did a terrific job in bringing out the best bill possible for the establishment of this park. Again, I want to compliment the Members in both the House and the Senate who worked so diligently to make this moment of final passage possible. I am sure that one famous Cape Cod resident, President Kennedy, is anxious to affix his signature to this legislation.

Mr. Speaker, I include in my remarks an editorial from the Springfield (Mass.) Daily News of July 29, 1961, concerning the conference report on the Cape Cod National Seashore Park:

TWENTY-SIX THOUSAND SIX HUNDRED AND SIXTY-SIX ACRES OF SANDY SHORE

The conference committee which worked out a compromise between the Senate and House versions of the Federal Cape Cod Park bill leaned heavily toward the lower Chamber's proposal.

The House bill had called for a park of 25,600 acres, and the Senate version listed 30,367 acres. In the compromise the total is 26,666.

However, this will be by no means a small park. For instance, all Springfield's park and playground land, including Forest Park and about 150 other parcels, totals only 2,228 acres, or less than one-tenth the size of the Cape Cod Park area. In fact, the Cape Cod reservation as included in the compromise bill, is about one-third larger than Springfield itself.

For years, many people who want to preserve the cape's uniqueness have urged that a part of it be set aside as a Federal reservation. They have been supported by those who believe that more people should visit the cape and enjoy the views and climate which have been pleasing man at least since Bartholomew Gosnold explored it and named it 350 years ago.

Now, the two Houses of Congress have agreed on such a bill, and it will be sent to the President, a lifelong fan of the cape and a longtime promoter of the Federal park plan, for his signature. The American people who have always enjoyed the cape will now own a good-sized piece of it.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 831)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 857) to provide for the establishment of Cape Cod National Seashore, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill, and agree to the same with an amendment as follows:

In lieu of the matter inserted by the House amendment insert the following:

"That (a) the area comprising that portion of the land and waters located in the towns of Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham in the Commonwealth of Massachusetts, and described in subsection (b), is designated for establishment as Cape Cod National Seashore (hereinafter referred to as "the seashore").

"(b) The area referred to in subsection (a) is described as follows:

"Beginning at a point in the Atlantic Ocean one-quarter of a mile due west of the mean low-water line of the Atlantic Ocean on Cape Cod at the westernmost extremity of Race Point, Provincetown, Massachusetts;

"thence from the point of beginning along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean, Cape Cod Bay, and Provincetown Harbor in generally southerly, easterly, and northerly directions rounding Long Point and then southwesterly to a point a quarter of a mile offshore of the mean low-water line on the harbor side of the dike depicted on the United States Geological Survey Provincetown quadrangle sheet (1949) crossing an arm of the Provincetown Harbor;

"thence northerly, along a line a quarter of a mile offshore of and parallel to the low-water line at the dike to a point easterly of the point of intersection of the said dike with the boundary of the Province Lands Reservation as depicted on the said Provincetown quadrangle sheet;

"thence westerly to the said point of intersection of the dike and the Province Lands Reservation boundary;

"thence along the boundaries of the Province Lands Reservation northwesterly, northeasterly, northerly, and easterly to the easternmost corner of the reservation being near United States Route 6;

"thence leaving the said easternmost corner along an extension of the southerly reservation boundary line easterly to the northerly right-of-way line of United States Route 6;

"thence along the northerly right-of-way line of United States Route 6 in a general easterly direction crossing the Truro-Provincetown line and continuing in the town of Truro in a generally southeasterly direction to a point four-tenths of a mile southeasterly of the southerly right-of-way line of Highland Road;

"thence easterly five-tenths of a mile to a point;

"thence turning and running in a southeasterly direction paralleling the general alinement of United States Route 6 and generally distant therefrom five-tenths of a mile to a point approximately 700 feet northwesterly of Long Nook Road;

"thence southwesterly along a ridge generally paralleling the alinement of Long Nook Road and distant approximately 700 feet therefrom to a point two-tenths of a mile northeasterly of the northerly right-of-way line of United States Route 6;

"thence southeasterly paralleling the general alinement of United States Route 6 and generally distant two-tenths of a mile northeasterly thereof to a point 300 feet south of the southerly right-of-way line of Higgins Hollow Road;

"thence in a general easterly direction paralleling the southerly alinement of Higgins Hollow Road and 300 feet distant southerly therefrom to a point five-tenths of a mile east of the easterly right-of-way line of said Route 6;

"thence turning and running in a southeasterly and southerly direction paralleling the general alinement of United States Route 6 and distant five-tenths of a mile easterly therefrom to a point 300 feet north of the northerly right-of-way of North Pamet Road;

"thence in a generally southwesterly direction paralleling the general alinement of North Pamet Road and generally distant 300 feet northerly therefrom to a point approximately two-tenths of a mile east of the easterly right-of-way line of United States Route 6;

"thence in a southerly direction paralleling the alinement of United States Route 6 and generally distant two-tenths of a mile easterly therefrom to a point three-tenths of a mile south of South Pamet Road;

"thence west to the intersection of Old County Road and Mill Pond Road;

"thence following the easterly right-of-way line of Old County Road southward to a point opposite the southerly right-of-way line of Ryder Beach Road at its intersection with Old County Road;

"thence eastward to a point 300 feet east of the easterly right-of-way line of said Old County Road;

"thence in a southerly direction paralleling Old County Road at a distance of 300 feet to the east of the easterly right-of-way line of said road to a point 600 feet south of the southerly right-of-way line of Prince Valley Road;

"thence in a generally westerly direction, crossing Old County Road and the New York, New Haven, and Hartford Railroad right-of-way to the southern extremity of the town landing and beach in the Ryder Beach area, and continuing to a point in Cape Cod Bay a quarter of a mile offshore from the mean low-water line of Cape Cod Bay;

"thence turning and running along a line a quarter of a mile offshore of and parallel to the mean low-water line of Cape Cod Bay in a general southerly and easterly direction rounding Jeremy Point and thence in a general northerly direction along a line a quarter of a mile offshore of and parallel to the mean low-water line on the westerly side of Wellfleet Harbor, to a point one quarter of a mile due north of the mean low-water line at the eastern tip of Great Island as depicted on the United States Geological Survey Wellfleet quadrangle sheet (1958);

"thence north to the mean high-water line on the north shore of the Herring River estuary in the vicinity of its confluence with Wellfleet Harbor;

"thence following the mean high-water line southwesterly, northwesterly, and north-

easterly to the easterly right-of-way line of Chequesset Neck Road at its crossing of Herring River;

"thence following the course of Herring River along the 20-foot contour line of the southeasterly shore thereof to a point near Mill Creek;

"thence crossing Mill Creek in a northeasterly direction to the 20-foot contour level near to and northeast of the confluence of Mill Creek and Herring River;

"thence following generally northerly and easterly along the easterly edge of the Herring River marshes on the 20-foot contour to a point north of which the easterly right-of-way line of a medium duty road, as depicted on said Wellfleet quadrangle sheet, crosses northward across a marshy stream near the juncture of said medium duty road with Bound Brook Island Road;

"thence crossing said marshy stream along said easterly right-of-way line of said medium duty road, and continuing in a northerly direction to the 20-foot contour level on the north side of said marshy stream;

"thence following the 20-foot contour line westward approximately 1,000 feet to its intersection with an unimproved dirt road, as depicted on said Wellfleet quadrangle sheet, leading from a point near the juncture of Bound Brook Island Road and the said medium duty road;

"thence following said unimproved dirt road northwesterly for approximately 1,600 feet to the 20-foot contour line bordering the southerly edge of the Herring River marshes;

"thence following said 20-foot contour line in an easterly direction to Route 6;

"thence crossing Route 6 and continuing to a point on the easterly right-of-way line of a power transmission line as depicted on said Wellfleet quadrangle sheet;

"thence in a general southerly direction along the said easterly right-of-way line of a power transmission line to the Eastham-Wellfleet town line;

"thence southeasterly for a distance of approximately 5,200 feet to a point due north of the intersection of the easterly right-of-way line of Nauset Road with the northerly right-of-way line of Cable Road;

"thence due south to the intersection of the said easterly right-of-way line of Nauset Road and the said northerly right-of-way line of Cable Road;

"thence in a general southerly direction crossing Cable Road and along said easterly right-of-way line of Nauset Road to a point 500 feet north of the northerly right-of-way line of Doane Road and its intersection with Nauset Road;

"thence west to a point 500 feet west of the westerly right-of-way line of Nauset Road;

"thence southerly and westerly 500 feet from and parallel to the said right-of-way line of Nauset Road to the easterly right-of-way line of Salt Pond Road;

"thence southerly along the easterly right-of-way line of said Salt Pond Road to its intersection with the southerly right-of-way line of Nauset Road;

"thence westerly along the southerly right-of-way line of Nauset Road to its intersection with the easterly right-of-way line of United States Route 6;

"thence southerly along the easterly right-of-way line of said Route 6 a distance of about four-tenths of a mile to the northerly boundary of the Eastham town hall property;

"thence easterly to a point one-tenth of a mile from United States Route 6;

"thence turning and running in a generally southerly direction paralleling the general alinement of United States Route 6 and generally distant therefrom one-tenth of a mile to a small stream approximately one-tenth of a mile beyond Governor Prence Road extended;

"thence southeasterly along the said stream to the Orleans-Eastham town line;

"thence along the Orleans-Eastham town line to the southerly tip of Stony Island;

"thence generally southeasterly in the town of Orleans by Nauset Harbor Channel to a point due north of the northerly tip of Nauset Heights as depicted on United States Geological Survey Orleans quadrangle sheet (1946);

"thence due south to the 20-foot contour line in Nauset Heights as delineated on the said Orleans quadrangle sheet;

"thence generally southerly along the said 20-foot contour to a point about one-tenth of a mile northerly of Beach Road;

"thence southwesterly along a line intersecting Beach Road at a point two-tenths of a mile easterly of the so-called Nauset Road leading northerly to Nauset Heights;

"thence southerly to the head of a tributary to Little Pleasant Bay at the northerly tip of Pochet Neck as depicted on the said Orleans quadrangle sheet;

"thence generally southerly along the thread of channel of the said tributary passing westerly and southwesterly around Pochet Island and thence southwesterly into Little Pleasant Bay passing to westerly of the northerly tip of Sampson Island, the westerly tip of Money Head, and the southwesterly tip of Hog Island following in general the centerline of Little Pleasant Bay to Pleasant Bay;

"thence generally southeasterly in Pleasant Bay along a line passing midway between Sipson Island and Nauset Beach to a point on the Chatham-Orleans town line one-quarter of a mile westerly of the mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach;

"thence generally southerly in Pleasant Bay in the town of Chatham along a line a quarter of a mile offshore of and parallel to the said mean low-water line of Pleasant Bay on the westerly shore of Nauset Beach to a point a quarter of a mile south of the mean low-water line of the southern tip of Nauset Beach;

"thence easterly rounding the southern tip of Nauset Beach along a line a quarter of a mile offshore of and parallel thereto;

"thence generally northerly and northwesterly, and westerly along a line a quarter of a mile offshore of and parallel to the mean low-water line of the Atlantic Ocean on the easterly shore of Nauset Beach and on to the outer cape to the point of beginning.

"SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as "Secretary") is authorized to acquire by purchase, gift, condemnation, transfer from any Federal agency, exchange, or otherwise, the land, waters, and other property, and improvements thereon and any interest therein, within the area which is described in section 1 of this Act or which lies within the boundaries of the seashore as described pursuant to section 3 of this Act (both together hereinafter in this Act referred to as "such area"). Any property, or interest therein, owned by the Commonwealth of Massachusetts by any of the towns referred to in section 1 of this Act, or by any other political subdivision of said Commonwealth may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

"(b) The Secretary is authorized (1) to use donated and appropriated funds in making acquisitions under this Act, and (2) to pay therefor not more than the fair market value of any acquisitions which he makes by purchase under this Act.

"(c) In exercising his auhority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within such area. The properties so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

"The Secretary shall report to the Congress on every exchange carried out under authority of this Act within thirty days from its consummation, and each such report shall include a statement of the fair market values of the properties involved and of any cash equalization payment made or received.

"(d) As used in this Act the term "fair market value" shall mean the fair market value as determined by the Secretary, who may in his discretion base his determination on an independent appraisal obtained by him.

"SEC. 3. (a) As soon as practicable after the date of enactment of this Act and following the acquisition by the Secretary of an acreage in the area described in section 1 of this Act that is in the opinion of the Secretary efficiently administrable to carry out the purposes of this Act, the Secretary shall establish Cape Cod National Seashore by the publication of notice thereof in the Federal Register.

"(b) Such notice referred to in subsection (a) of this section shall contain a detailed description of the boundaries of the seashore which shall encompass an area as nearly as practicable identical to the area described in section 1 of this Act. The Secretary shall forthwith after the date of publication of such notice in the Federal Register (1) send a copy of such notice, together with a map showing such boundaries, by registered or certified mail to the Governor of the Commonwealth of Massachusetts and to the board of selectmen of each of the towns referred to in section 1 of this Act; (2) cause a copy of such notice and map to be published in one or more newspapers which circulate in each of such towns; and (3) cause a certified copy of such notice, a copy of such map, and a copy of this Act to be recorded at the registry of deeds for Barnstable County, Massachusetts.

"SEC. 4. (a)(1) The beneficial owner or owners, not being a corporation, of a freehold interest in improved property which the Secretary acquires by condemnation may elect, as a condition to such acquisition, to retain the right of use and occupancy of the said property for noncommercial residential purposes for a term of twenty-five years, or for such lesser time as the said owner or owners may elect at the time of such acquisition.

"(2) The beneficial owner or owners, not being a corporation, of a freehold estate in improved property which property the Secretary acquires by condemnation, who held, on September 1, 1959, with respect to such property, an estate of the same nature and quality, may elect, as an alternative and not in addition to whatever right of election he or they might have under paragraph (1) of this subsection, to retain the right of use and occupancy of the said property for noncommercial residential purposes (i) for a term limited by the nature and quality of his or their said estate, if his or their said estate is a life estate or an estate pur auter vie, or (ii) for a term ending at the death of such owner or owners, or at the death of the survivor of them, if his or their said estate is an estate of fee simple.

"(3) Where such property is held by a natural person or persons for his or their own life or lives or for the life or lives of another

or others (such person or persons being hereinafter called "the life tenant"), with remainder in another or others, any right of election provided for in paragraph (2) of this subsection shall be exercised by the life tenant, and any right of election provided for in paragraph (1) of this subsection shall be exercised by the concurrence of the life tenant and the remainderman or remaindermen.

"(4) The beneficial owner or owners of a term of years in improved property which the Secretary acquires by condemnation may elect, as a condition to such acquisition, to retain the right of use and occupancy of the said property for noncommercial residential purposes for a term not to exceed the remainder of his or their said term of years, or a term of twenty-five years, whichever shall be the lesser. The owner or owners of the freehold estate or estates in such property may, subject to the right provided for in the preceding sentence, exercise such right or rights of election as remain to them under paragraphs (1) and (2) of this subsection.

"(5) No right of election accorded by paragraphs (1), (2), or (4) of this subsection shall be exercised to impair substantially the interests of holders of encumbrances, liens, assessments, or other charges upon or against the property.

"(6) Any right or rights of use and occupancy retained pursuant to paragraphs (1), (2), and (4) of this subsection shall be held to run with the land, and may be freely transferred and assigned.

"(7) In any case where a right of use and occupancy for life or for a fixed term of years is retained as provided in paragraph (1), (2), or (4) of this subsection, the compensation paid by the Secretary for the property shall not exceed the fair market value of the property on the date of its acquisition by the Secretary, less the fair market value on such date of the said right retained.

"(8) The Secretary shall have authority to terminate any right of use and occupancy of property, retained as provided in paragraph (1), (2), or (4) of this subsection, at any time after the date when any use occurs with respect to such property which fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in regulations issued pursuant to section 5 of this Act and in effect on said date: *Provided*, That no use which is in conformity with the provisions of a zoning bylaw approved in accordance with said section 5 which is in force and applicable to such property shall be held to fail to conform or be opposed to or inconsistent with any such standard. In the event that the Secretary exercises the authority conferred by this paragraph, he shall pay to the owner of the right so terminated an amount equal to the fair market value of the portion of said right which remained on the date of termination.

"(b)(1) The Secretary's authority to acquire property by condemnation shall be suspended with respect to all improved property located within such area in all of the towns referred to in section 1 of this Act for one year following the date of its enactment.

"(2) Thereafter such authority shall be suspended with respect to all improved property located within such area in any one of such towns during all times when such town shall have in force and applicable to such property a duly adopted, valid zoning bylaw approved by the Secretary in accordance with the provisions of section 5 of this Act.

"(c) The Secretary's authority to acquire property by condemnation shall be suspended with respect to any particular property which is used for commercial or industrial purposes during any periods when such use is permitted by the Secretary and during the pendency of the first application for such permission made to the Secretary after the date of enactment of this Act provided such application is made not later than the date of establishment of the seashore.

"(d) The term 'improved property,' wherever used in this Act, shall mean a detached, one-family dwelling the construction of which was begun before September 1, 1959 (hereinafter referred to as 'dwelling'), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated. The amount of the land so designated shall in every case be at least three acres in area, or all of such lesser amount as may be held in the same ownership as the dwelling, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: *Provided, however,* That the Secretary may exclude from the land so designated any beach or waters, together with so much of the land adjoining such beach or waters as the Secretary may deem necessary for public access thereto.

"(e) Nothing in this section or elsewhere in this Act shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

"SEC. 5. (a) As soon after the enactment of this Act as may be practicable, the Secretary shall issue regulations specifying standards for approval by him on zoning bylaws for purposes of section 4 of this Act. The Secretary may issue amended regulations specifying standards for approval by him of zoning bylaws whenever he shall consider such amended regulations to be desirable due to changed or unforeseen conditions.

"All regulations and amended regulations proposed to be issued under authority of the two preceding sentences of this subsection shall be submitted to the Congress and to the towns named in section 1 of this Act at least ninety calendar days (which ninety days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) before they become effective and the Secretary shall, before promulgating any such proposed regulations or amended regulations in final form, take due account of any suggestions for their modification which he may receive during said ninety-day period. All such regulations and amended regulations shall, both in their proposed form and in their final form, be published in the Federal Register.

"The Secretary shall approve any zoning bylaw and any amendment to any approved zoning bylaws submitted to him which conforms to the standards contained in the regulations in effect at the time of the adoption by the town of such bylaw or such amendment unless before the time of adoption he has submitted to the Congress and the towns and published in the Federal Register as aforesaid proposed amended regulations with which the bylaw or amendment would not be in conformity, in which case he may withhold his approval pending completion of the review and final publication provided for in this subsection and shall thereafter approve the bylaw or amendment only if it is in conformity with the amended regulations in their final form. Such approval shall not be withdrawn or revoked, nor shall its effect be altered for purposes of section 4 of this Act by issuance of any such amended regulations after the date of such approval, so long as such bylaw or such amendment remains in effect as approved.

"(b) The standards specified in such regulations and amended regulations for approval of any zoning bylaw or zoning bylaw amendment shall contribute to the effect of (1) prohibiting the commerical and industrial use, other than any commercial or industrial use which is permitted by the Secretary, of all property within the boundaries of the seashore which is situated within the town adopting such bylaw; and (2) promoting the preservation and development, in accordance with the purposes of this Act, of the area comprising the seashore, by means of acreage, frontage, and setback requirements and other provisions which may be required by such regulations to be included in a zoning bylaw consistent with the laws of Massachusetts.

"(c) No zoning bylaw or amendment of a zoning bylaw shall be approved by the Secretary which (1) contains any provision which he may consider adverse to the preservation and development, in accordance with the purposes of this Act, of the area comprising the seashore, or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under and any exception made to the application of such bylaw or amendment.

"(d) If any improved property with respect to which the Secretary's authority to acquire by condemnation has been suspended by reason of the adoption and approval, in accordance with the foregoing provisions of this section, of a zoning bylaw applicable to such property (hereinafter referred to as 'such bylaw')—

"(1) is made the subject of a variance under or an exception to such bylaw, which variance or exception fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in the regulations issued pursuant to this section and in effect at the time of the passage of such bylaw, or

"(2) is property upon or with respect to which there occurs any use, commencing after the date of the publication by the Secretary of such regulations, which fails to conform or is in any manner opposed to or inconsistent with any applicable standard contained in such regulations (but no use which is in conformity with the provisions of such bylaw shall be held to fail to conform or be opposed to or inconsistent with any such standard),

the Secretary may, at any time and in his discretion, terminate the suspension of his authority to acquire such improved property by condemnation: *Provided, however,* That the Secretary may agree with the owner or owners of such property to refrain from the exercise of the said authority during such time and upon such terms and conditions as the Secretary may deem to be in the best interests of the development and preservation of the seashore.

"SEC. 6. The Secretary shall furnish to any party in interest requesting the same, a certificate indicating, with respect to any property located within the seashore as to which the Secretary's authority to acquire such property by condemnation has been suspended in accordance with the provisions of this Act, that such authority has been so suspended and the reasons therefor.

"SEC. 7. (a) Except as otherwise provided in this Act, the property acquired by the Secretary under this Act shall be administered by the Secretary subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and in accordance with laws of general application relating to the national park system as defined by the Act of August 8, 1953 (67 Stat. 496); except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such

authority will further the purposes of this Act.

"(b)(1) In order that the seashore shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing or with the preservation of such historic sites and structures as the Secretary may designate: *Provided*, That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific features of Cape Cod within the seashore by establishing such trails, observation points, and exhibits, and providing such services as he may deem desirable for such public enjoyment and understanding: *Provided further*, That the Secretary may develop for appropriate public uses such portions of the seashore as he deems especially adaptable for camping, swimming, boating, sailing, hunting, fishing, the appreciation of historic sites and structures and natural features of Cape Cod, and other activities of similar nature.

"(2) In developing the seashore the Secretary shall provide public use areas in such places and manner as he determines will not diminish for its owners or occupants the value or enjoyment of any improved property located within the seashore.

"(c) The Secretary may permit hunting and fishing, including shellfishing, on lands and waters under his jurisdiction within the seashore in such areas and under such regulations as he may prescribe during open seasons prescribed by applicable local, State and Federal law. The Secretary shall consult with officials of the Commonwealth of Massachusetts and any political subdivision thereof who have jurisdiction of hunting and fishing, including shellfishing, prior to the issuance of any such regulations, and the Secretary is authorized to enter into cooperative arrangements with such officials regarding such hunting and fishing, including shellfishing, as he may deem desirable, except that the Secretary shall leave all aspects of the propagation and taking of shellfish to the towns referred to in section 1 of this Act.

"The Secretary shall not interfere with navigation of waters within the boundaries of the Cape Cod National Seashore by such means and in such areas as is now customary.

"SEC. 8. (a) There is hereby established a Cape Cod National Seashore Advisory Commission (hereinafter referred to as the 'Commission'). Said Commission shall terminate ten years after the date the seashore is established under section 3 of this Act.

"(b) The Commission shall be composed of ten members each appointed for a term of two years by the Secretary as follows:

"(1) Six members to be appointed from recommendations made by each of the boards of selectmen of the towns referred to in the first section of this Act, one member from the recommendations made by each such board;

"(2) One member to be appointed from recommendations of the county commissioners of Barnstable County, Commonwealth of Massachusetts;

"(3) Two members to be appointed from recommendations of the Governor of the Commonwealth of Massachusetts; and

"(4) One member to be designated by the Secretary.

"(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

"(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon vouchers signed by the Chairman.

"(e) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

"(f) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Cape Cod National Seashore and shall consult with the members with respect to carrying out the provisions of sections 4 and 5 of this Act.

"(g) No permit for the commercial or industrial use of property located within the seashore shall be issued by the Secretary, nor shall any public use area for recreational activity be established by the Secretary within the seashore, without the advice of the Commission, if such advice is submitted within a reasonable time after it is sought.

"(h)(1) Any member of the Advisory Commission appointed under this Act shall be exempted, with respect to such appointment, from the operation of sections 281, 283, 284, and 1914 of title 18 of the United States Code and section 190 of the Revised Statutes (5 U.S.C. 99) except as otherwise specified in subsection (2) of this section.

"(2) The exemption granted by subsection (1) of this section shall not extend—

"(i) to the receipt or payment of salary in connection with the appointee's Government service from any sources other than the private employer of the appointee at the time of his appointment; or

"(ii) during the period of such appointment, and the further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment.

"SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act; except that no more than $16,000,000 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of this Act.

"SEC. 10. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the preamble of the bill, and agree to the same.

WAYNE N. ASPINALL,
LEO W. O'BRIEN,
J. T. RUTHERFORD,
JOHN P. SAYLOR,
JOHN KYL,
*Managers on the Part of the House.*

CLINTON P. ANDERSON,
ALAN BIBLE,
ERNEST GRUENING,
HENRY C. DWORSHAK,
*Managers on the Part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 857) to provide for the establishment of Cape Cod National Seashore, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The two major differences between S. 857 as it passed the Senate and the House amendment to that bill were (1) the inclusion in the Senate bill and the omission from the House amendment of a provision authorizing the Secretary of the Interior to incur obligations for the purchase of land in advance of appropriations and (2) the inclusion within the national seashore by the Senate bill of approximately 4,540 acres of land which were excluded by the House amendment.

Under the amendment recommended by the committee of conference as a substitute for the House amendment, the Senate recedes from its disagreement with respect to the first of these two items. That is, the amendment recommended by the conference committee omits, in accordance with the wishes of the House, any provision for making land purchase commitments in advance of appropriations sufficient to carry out those commitments.

The difference between the Senate bill and the House amendment with respect to the boundaries of the seashore is compromised in the amendment recommended by the conference committee by adding to the seashore approximately 840 acres that the House amendment had omitted and by deleting approximately 3,700 acres that the Senate bill had included. The result is a national seashore with an area of about 26,670 acres instead of the 30,370 proposed by the Senate and the 25,830 proposed by the House. The areas excluded from the seashore which the Senate bill would have included are Monomoy, Morris, and Stage Islands in the town of Chatham, certain lands in the town of Wellfleet which are owned by the Audubon Society, and two strips of land in the town of Truro. Those included within the seashore by the recommended amendment which the House action had excluded are Griffin Island and the Great Pond-Long Pond complex, both in the town of Wellfleet.

The attention of the conferees was called to the fact that the town of Wellfleet would suffer a severe derangement of its tax structure if all of the Griffin Island and Great Pond-Long Pond lands plus other Wellfleet lands included within the seashore were suddenly removed from the town's tax rolls. That this will not happen is assured by section 4 of the bill which, as pointed out at pages 14 and 17 of House Report No. 673, suspends any power of condemnation with respect to improved residential property as long as there is a valid zoning ordinance applicable to that property which meets standards approved by the Secretary of the Interior and which moreover, guarantees the owner of any such property that is acquired by condemnation a life or 25-year interest, as he may choose, in his property. In addition, there will remain in Wellfleet, outside the seashore boundaries, nearly 3,000 acres of developable but only partially developed land which, estimating at 3 acres per home, is sufficient in itself to accommodate a population more than twice as great as Wellfleet's whole population is today and to provide a corresponding increase in the tax base of the town.

The other matters in disagreement between the House and the Senate were relatively minor. They and the disposition made of them in the conference amendment may be summarized thus:

(1) The House amendment omitted a preamble to the bill which the Senate version had included. The conference amendment continues the omission.

(2) The House amendment included a provision for keeping open a passage from Pleasant Bay and Nauset Harbor to the ocean which the Senate bill did not have. The conference amendment accepts the Senate omission.

(3) The House amendment required a report to Congress on land exchanges which

the Senate bill did not contain. The conference amendment includes the House provision.

(4) The House amendment omitted from section 4(a)(1) certain limiting language with respect to the status of corporate ownerships and freehold interests which was contained in the Senate bill. The conference amendment includes the Senate language.

(5) The House amendment added a provision requiring that regulations to govern zoning standards be submitted to Congress before they become effective. The conference amendment includes the House provision.

(6) The House amendment omitted from section 5(d)(1) certain language—"(or if such bylaw has been amended at the time of the passage of the most recent amendment)"—which was contained in the Senate bill. The conference amendment also omits this language.

(7) The House amendment inserted the words "is property" at the beginning of section 5(d)(2) to clear up the grammar. The conference amendment retains this insertion.

(8) The House amendment used "seashore" where the Senate bill used "Park" at various places in sections 7 and 8. The conference amendment adopts the House language.

(9) The House amendment added "during open seasons prescribed by applicable law" in section 7(c). The conference amendment adopts this change with an amendment to make it read "during open seasons prescribed by applicable local, State, and Federal law."

(10) The House amendment omitted a subsection dealing with bird refuges that was contained in section 7 of the Senate bill. In view of the disposition of the Audubon Society lands and Monomoy Island noted above, the conference amendment continues this omission.

(11) The House amendment left "all aspects of the propagation and taking of shellfish" to the towns rather than merely "regulation of the taking" of shellfish as under the Senate bill. The conference amendment includes the new language.

(12) The House amendment added a paragraph to section 7(c) dealing with noninterference with navigation. The conference amendment includes this paragraph.

(13) The House amendment omitted a subsection dealing with cooperative agreements with nonprofit organizations that was contained in the Senate bill. In view of the disposition of the Audubon Society lands noted above, the conference amendment continues in this omission.

(14) The House amendment omitted a sentence limiting the life of the Cape Cod National Seashore Advisory Commission to 10 years that was contained in the Senate bill. The House receded from its amendment in this respect, it being the understanding of the conferees that if the Advisory Commission proves its worth during the 10-year period allowed in the conference amendment and if, at the end of that period, it appears that there is still useful work remaining for the Commission to do, its life can readily be extended by the Congress.

WAYNE N. ASPINALL,
LEO W. O'BRIEN,
J. T. RUTHERFORD,
JOHN P. SAYLOR,
JOHN KYL,
*Managers on the Part of the House.*

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

## PERMISSION TO COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE REPORTS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight Saturday, August 5, to file a report on the bill H.R. 5144 and the bill H.R. 5165.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

## INCREASING RATE OF SPECIAL PENSION PAYABLE TO CERTAIN PERSONS AWARDED THE MEDAL OF HONOR

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 845) to amend title 38, United States Code, to increase the rate of special pension payable to certain persons awarded the Medal of Honor, and for other purposes, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Strike out all after the enacting clause and insert: That (a) subsection (b) of section 560 of title 38, United States Code, is amended (1) by striking out "sixty-five years" and inserting in lieu thereof "fifty years"; and (2) by striking out ", and who was honorably discharged from service by muster out, resignation, or otherwise".

(b) Subsection (c) of such section 560 is amended by inserting before the period at the end of the first sentence the following: ", and shall indicate whether or not the applicant desires to receive the special pension provided by section 562 of this title".

SEC. 2. (a) Section 561 of title 38, United States Code, is amended to read as follows:

"§ 561. Certificate

"(a) The Secretary concerned shall determine whether or not each applicant is entitled to have his name entered on the Army, Navy, and Air Force Medal of Honor Roll. If the official award of the Medal of Honor to the applicant, or the official notice to him thereof, shows that the Medal of Honor was awarded to the applicant for an act described in section 560 of this title, such award or notice shall be sufficient to entitle the applicant to have his name entered on such roll without further investigation; otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence on file in any public office or department shall be considered.

"(b) Each person whose name is entered on the Army, Navy, and Air Force Medal of Honor Roll shall be furnished a certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the Medal of Honor was awarded, of enrollment on such roll, and, if he has indicated his desire to receive the special pension provided by section 562 of this title, of his right to such special pension.

"(c) The Secretary concerned shall deliver to the Administrator a certified copy of each certificate issued by him under subsection (b) in which the right of the person named in the certificate to the special pension provided by section 562 of this title is set forth. Such copy shall authorize the Administrator to pay such special pension to the person named in the certificate."

(b) The analysis of chapter 15 of such title is amended by striking out

"561. Certificate entitling holder to pension."

and inserting in lieu thereof

"561. Certificate."

SEC. 3. Subsection (a) of section 562 of title 38, United States Code, is amended—

(1) by inserting after "Medal of Honor roll" the following: ", and a copy of whose certificate has been delivered to him under subsection (c) of section 561 of this title,"; and

(2) by striking out "$10" and inserting in lieu thereof "$100".

SEC. 4. The amendments made by this Act shall take effect on the first day of the first month which begins after the date of the enactment of this Act, except that the amendments made by subsection (b) of the first section and by section 2 shall not apply with respect to any application under section 560 of title 38, United States Code, made before such first day by any person who fulfilled the qualifications prescribed by subsection (b) of such section at the time such application was made.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

## WATERSHED PROTECTION AND FLOOD PROTECTION ACT

The SPEAKER laid before the House the following communications, which were read and referred to the Committee on Appropriations:

JULY 31, 1961.

Hon. SAM RAYBURN,
*The Speaker, U.S. House of Representatives, the Capitol, Washington, D.C.*

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture has today considered the workplans transmitted to you by Executive Communication No. 1127 of the 87th Congress and referred to this committee and unanimously approved each of such plans. The workplans involved are:

| State: | *Watershed* |
|---|---|
| Arkansas | Big Creek. |
| California | Ulatis Creek. |
| Connecticut | South Branch Park River. |
| Iowa | Indian Creek. |
| Iowa | Pony Creek. |
| Kansas | Frog Creek. |
| Kentucky | Humphrey-Clanton Creek. |
| Michigan | South Branch, Cass River. |
| Nebraska | Plum Creek. |
| Oklahoma | Upper Red Rock Creek. |
| Pennsylvania | Brodhead Creek. |
| Tennessee | Houser Creek. |

Sincerely yours,
HAROLD D. COOLEY,
*Chairman.*

JULY 31, 1961.

Hon. SAM RAYBURN,
*The Speaker, U.S. House of Representatives, The Capitol, Washington, D.C.*

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture has today considered the workplans transmitted to you by Executive Communication No. 930 of the 87th Congress and referred to this committee